August 23, 2013

Mr. Brian Pedrotti, Project Manager
County Planning & Building Dept.
976 Osos Street, Room
San Luis Obispo, CA 93408-2040

RE: Laetitia Agricultural Cluster Subdivision

Dear Mr. Pedrotti:

Attached are my comments on the Revised Recirculated Draft Environmental Impact Report (RRDEIR). I have also enclosed my November 6, 2008 and June 8, 2012 letters, each with attached comments, for the initial Draft and the Revised Draft EIRs. I request that all of these submittals be reviewed, considered and responded to during the preparation of the Final EIR.

As was previously the case, I strongly oppose the development of the Laetitia cluster subdivision. My enclosed two previous provide personal background and general rationale for my position. The detailed comments attached to this and the previous letters provide compressive discussion of concerns and issues that should be considered by County decision makers during formal reviews of the project. However, the bottom line is that any substantial development on the Laetitia property would be significant mistake for many legitimate reasons. This inappropriate development will no doubt haunt future county government officials and south county residents for decades to come.

Foremost amongst these major problems are:

- Traffic and access related issues dealing large increase of travel on existing the country road corridor that must be used to support the project – includes fixing bridges, hairpin blind curves, lack of adequate road width and shoulders, increased noise, speeding & reduced safety, inadequate traffic impact documentation (TR forms), etc. And who will pay for the needed road improvements – clearly the applicant should, not the local taxpayers?
- Long-term water sustainability and issues that have been discounted by absolute statements without regard to critical stated caveats and cautions. Every source expresses concerns about reduced long-term water availability of water from wells in fractured shale bedrock formations. Both water yield and demand estimates seem to be overly optimistic. Test pumping occurred during years-long period with 138% average rainfall. What happens when droughts occur and water runs out? Consider problems facing the Nipomo Mesa and Paso Robles basin.
- Leapfrog development into an rural and agricultural area unsuited for cluster development. Just the opposite of County's "Smart Growth" planning. Accelerates erosion of our rural way of life; promotes citification.
- Applicants intend to turn management and responsibility for the developed project over to a HOA – the ranch is one composite property and he must continue to have accountability. HOA usually prove to be ineffective.

- Fire protection will be a continuing problem with long response times, dead-end roads, and limited access. Other community support services are also limited.
- HOA or self-enforcement of many very restrictive landscaping using drought-tolerant plant material. CC&Rs and HOA are ineffective over the long-term; enforcement of restrictions to limit water usage must remain with the County and applicant/vineyard owner prior to and even after build-out of the last phase.
- Why would the County support this project of very expensive homes on rural lands that are already a drag on the market, when what is needed is affordable housing for the working class population of the area?

As I've previously stated in the last paragraphs of my two earlier letters, I plead the County will finally acknowledge that this property is unsuited for an agricultural cluster development. It is an isolated island of prime agricultural and grazing land fenced in by HW101 and surrounded by similar properties without the access, the support services, and most importantly the long-term water available to support subdivision development. There are enough major unresolved issues to justify rejection of the RREIR and the project. Thank you for your assistance over the extended life of this flawed project.

Raymond M Toomey
1150 North Thompson Avenue
Nipomo, CA 93444

Attachment:

1. Specific Comments, Laetitia RRDEIR

Enclosures:

1. Letter with attachment, Laetitia DEIR, November 6, 2008
2. Letter with attachments, Laetitia RDEIR, June 8, 2012

Attachment 1 – SPECIFIC COMMENTS
Revised Recirculated Draft EIR (RRDEIR) Laetitia Ag Cluster Subdivision

02-i. Introduction

1. Pg I-1, A. Background, 3rd ¶, last sentence: Requests resubmission of comments against the 2008 DEIR and 2012 RDEIR for the Introduction, Biological Resources, Water Resources, and Alternatives Analysis sections. I have reviewed the thrust of my previous comments against the earlier documents and find the comments to still be generally appropriate. Rather than spend the considerable effort to repackage and repeat these earlier comments, I request they be considered during the official review of the RRDEIR. No response has been provided to either input to the process; a response is requested and anticipated.

2. Pg 1 I-1, A. Background, last ¶, 2nd sentence: Mentions "elimination of the equestrian center" but does not mention addition of the "Dude Ranch." Furthermore detailed information necessary to evaluate environmental impacts of the "Dude Ranch" is not provided elsewhere in the RRDEIR. The Dude Ranch should not be accepted until it has undergone the usual environmental reviews.

3. Pg I-2, 3rd ¶, last two sentences: States "---however, the dude ranch is included in this EIR as a future development project." As mentioned in comment 2 above, detailed information on the dude ranch is not included in the RRDEIR and approval should not be granted until details are given the usual environmental review.

4. Pg I-7, 1st ¶, last sentence: States "---would not include a homeowner's association building/ranch headquarters---," This is an important acknowledgement that the so-called "ranch headquarters" is in reality a group of HOA buildings and facilities with little if anything to do with the operation of the vineyard and winery.

5. Pg I-8, "**PLEASE NOTE**": Indicates County responses to public comments will be limited to the issues analyzed in the RRDEIR to include the Alternatives Analysis. Pages VI-4 & 5 of the Alternatives Analysis included discussions of several traffic impacts and, therefore, traffic issues are fair game for review and comments. As mentioned in the next to last paragraph of my 8 June 2012 letter (also comments 17 – 21 with Bottom Line), a major issue and adverse impact is the unacceptable increased traffic induced on the Los Berros Road, Dana Foothill, Sheehy Roads corridor. These transportation issues have been included in all my comments and have not been adequately addressed in the DEIR, RDEIR and/or RRDEIR.

04 -V.E. Biological Resources

6. Pg 59, 3rd ¶, last sentence and 4th ¶ 2nd sentence: Note mentions of road improvements and "assumed" improvements and paving of Upper Los Berros Road. These statements reinforce validity of comment 4 above requesting assessment of adverse traffic conditions on Los Berros, Dana Foothill and Sheehy roads caused by the project.

05 -V.P. Water Resources

7. Pg V.P.-1, 1st ¶: Indicates that resubmission of comments from the DEIR and RDEIR is needed in order for comments to be addressed in writing in the Final EIR. Please note that this package includes the attachment and resubmission of my 8 Nov 2008 letter and comments on the DEIR, along with my 8 June 2012 letter and comments on the RDEIR, for County review and response. Since these comments are already included, they will not be repeated in this section but additional comments will be offered.

8. Pg 1, 3rd ¶, 3rd sentence: States "---and currently proposes to use Wells 10, 11, 14, & 15 for domestic water supply. The use of the phrase "currently proposes" implies uncertainty as to whether or not these are the final wells. It seems that the applicant keeps playing a musical chairs numbers game with the wells. Are these the final wells or not?

9. Pg 2, middle group mentioning RDEIR: Comments on these documents are embedded in my comments on the RDEIR.

10. Pg 3, top mention of Appendix H, 1st item: Comments on the Sept 2011 Geosyntec review document are also embedded in my comments on the RDEIR. Comments on the Geosyntec April 2012 and 2013 documents are included below.

11. Pg 3, ¶1.a.1) last sentence: It is important to keep in mind that the rainfall between July 2009 and March 2011 was 138% of average. Major portions of the 3 phases of well testing occurred during this period of heavy rainfall (see Table V.P.-4). Other than occasional mention of this heavy rainfall, no adjustments or estimates were made to compensate for this rare situation. What is likely to happen to pump rates during periods of extended drought? How will the County provide water should the results of Table V.P.-4 eventually prove overly optimistic and the project runs short of water? Since no other sources of water are reasonably available, what then? The multi-year extreme drought of the mid-1800's caused many local cattle ranches to go broke. There have also been periods of severe droughts during the 1900s that could leave the project without water. There are no guarantees these conditions will not reoccur in the life span of the homes to be developed. And hauling water is no solution when there is none to be had. The Nipomo Mesa and Paso Robles water shortages are other examples of the problems that could easily be in the future.

12. Pg 4, 2nd ¶, next to last sentence: I agree that about 1981 was the last time Los Berros creek flowed thought out the year. As I previously mentioned in my 2008 comments, that creek not flowed year around but was a superb location to catch native trout, and pick water crest for salads.

13. Pg 4, Sect 3) Hydrogeology, last sentence in 1st ¶: Note that "the majority of wells in the vicinity---are within fractured bedrock aquifers---." The four wells "currently proposed" for the project are also in these formations. Note that we will be

cautioned later that, for the long haul, wells in fractured shale are extremely unreliable.

14. Pg 6, 1st ¶: Includes the first mention that the applicant intends to develop a mutual water company to manage water for the project. But as we will later learn, the Mutual Water Company will be the responsibility of the Home Owners Association. Further the owner/operator of the ag portion of the property does not share management or responsibility for the water company and is not even a co-chair or member of the HOA. As I have previously commented, this is a mess waiting to happen. All parties to the overall project – ag & residential – should share these important responsibilities.

15. Pg 13, Fig V.P.-4: Please explain the "projected" shown on the figure for Wells 10, 12, 13 & 14, but not for Well 15.

15a. Pg 17, Table V.P.-1. The water demands shown in the table are considered the existing and future "Baseline Water Demands." However these were calculated using the misleading "current rates of 0.34 afy/acre" based on 138% rainfall of 2011 and the "low water demand value of 0.7 afy/acre for WPA 7." (See H2, Baseline Laetitia Water Demand, paesg 5 & 7, along with comments 64 & 65 below.) Baseline demand estimates should also be included for the more reasonable and likely to occur rate of 0.45afy/acre but adjusted for mid or higher demand values for WPA-7. Only with these comparable data can decisions makers make true assessments of the water issue..

16. Pg 19, b. Drainage and Surface Water Quality, 2nd ¶: States that Soil conditions & topography vary throughout the site---contain steep slopes or soils subject to erosion where containment of sediment onsite---." This seems reasonable but appears inconsistent to the statement contained in the preceding paragraph - "---there is little erosion or production of sediment."

17. Pg 22, 6) Los Berros Creek Subwatershed Total Maximum Daily Load, last sentence in 1st ¶: Note the nexus between water quality in both surface water and groundwater when considering TMDL for Nitrates in this area.

18. Pg 23, 1st ¶: First but only mention of the recent Agricultural Order that must be followed. Has this been factored into the current water planning for the entire project?

19. Pg 24, 3rd to last ¶ dealing with Ag Clusters: Note "The water resources ---are adequate to serve the proposed development---." It is assumed that this is meant to apply to sustainment for the life of the project, not just initially or during periods of severe drought. I question is long-term sustainability has been adequately demonstrated for this project. Many local wells initially performed OK but failed after just a few years of use. Such is the life with water from fractured shale formations.

20. Pg 26, 3.a.- CEQA Guidelines: I believe that this project could have a significant water resource impact under the criteria outlined by the 1st and 3rd bullets. Further, I

also believe that the pumping and studies to date to not demonstrate that the project might not violate the factors listed in the first sentence of the second paragraph, i.e., "---if demands ---exceeded the available water supply and resulted in a net deficit in aquifer volume or a lowering of the groundwater table level, ---". RRDEIR documents H1a, H2 and H3, prepared by Geosyntec, contain statements cautioning the long-term sustainability of the water supply, especially since none off the proposed achieved equilibrium but continued to drop during the pumping tests (H1a, page 19, ¶ 4.6.4).
Also note page 18 of H1a ¶4.6.2, that indicates that – "Generally, the transmissivity calculated from the first cycle of pumping was substantially higher than the estimates based on long-term pumping. The initial yield from fractured bedrock commonly is not representative long-term yield." These are just two of many cautioning statements from the County's peer review but they are enough to cast doubt over the long-term sustainability of water for the project. When if fails, then what?

21. Pg 27, 4. Impact Assessment and Methodology, last sentence of 1st ¶: Note the statement "---assessment of whether the project would have an adverse effect on the long-term sustainability of the aquifer." In spite of the Geosyntec conclusions contained in H1a (pg 23) and H2 (pg 6) that "---based on testing data, the capacity of the wells is more than adequate to sustain a continuous flow of 46 gpm for one month." And – "We consider 62.4 AF/Y a viable long-term production rate based on the water levels recorded ---from Oct 2009 to Mar 2011.' (Note that test pumping ended in Dec 2010, not Mar 2011). However even these optimistic forecasts were tempered by Geosyntec's reiteration of two important cautions. (1) Rainfall during the test period was 138% of average. [SLOC should always be so lucky.] And (2) "Wells producing from bedrock aquifers, which may have linear fracture systems, commonly are substantially less than short-term yields." Those two disclaimers make the conclusion suspect and the County should precede with caution. Otherwise the County could easily be confronted with another large area with severe water shortage.

22. Pg 29, Table V.P-4, Pump Testing Rates & Schedule: It should be noted that the testing demonstrated that Wells 11 provides the most water, but Geosyntec recommends that this well not be used from August through November each year. The "Annualized afy & gpm" for this well should reflect this restriction. If this was done, the difference between the available estimated water and the proposed project demand of 46.3 afy would be considerably less, certainly less that the misleading 191% of project demand. Also note that the annualized afy and gpm for each well varied considerably during each of the three phases of pumping. And again, pumping took place during a period of 138d% of average rainfall. Conclusions drawn from this table are suspect unless the various uncertainties and variable conditions for factored into the total estimated acre-feet available over the long-term. Some of these issues are reflected in adjustments in Table V.P.-5 that should replace Table V.P.-4.

23. Pg 29, last sentence, continuing of pg 30: This a particularly significant is repeated as follows. "Based on the fact that water levels in three of the four wells (Wells 10, 14, and 15) were still generally dropping during the Phase 3 pumping and

the groundwater in the aquifers near these wells did not reach equilibrium levels, continued pumping at the Phase 3 rates (54 gpm) will continue to deplete aquifer storage." This statement alone should be sufficient to cause the County to view the statements regarding the availability of adequate water. And there are many other statement reflecting similar concerns that should mandate caution.

24. Pg 30, (a) Equilibrium, 2nd ¶: Here's another statement that must receive proper attention: "Based on the available data, ground water production for the proposed project is feasible, but will result in long-term average declines in ground water levels. Additional depletion of groundwater storage associated with each proposed domestic well appears to be necessary to sustain long-term water production to meet project demands. With continued pumping equilibrium water levels may be attained in time (Geosyntec 2011, 2013)." Recall that Geosyntec is the County independent agent for peer review of project water matters. However, these statements generate the following comments:

a. My Random House College Dictionary has the following appropriate definition of *feasible* for this usage: "probable; likely: *a feasible theory.*" Not a very strong statement and sure implies a lack of conviction that enough water will be available over the long haul.
b. Note no estimates provided on rate of decline or how long before the water is depleted. Remember rainfall during testing was 138% of normal. What if a prolonged drought occurs as has happened many times in the past?
c. The use of *"may"* and *"attained in time"* again should generate caution and concerns. Is the County willing to accept the adverse consequences should water shortages become a severe problem, which is also feasible over the long-term?
d. Equilibrium basically means that the replacement of water in the aquifer is the same as the demand for water – the input equals the output. If equilibrium is not achieved and maintained over the long-term, the project is not feasible.

25. Pg 30 to33, Section 2) Sustainable Yield, entire section: The section starts with the following qualifying statement: "Sustainable yield does not have a "correct" value, but is a subjective concept, and its evaluation is an interdisciplinary issue." Running out of water is never a "subjective concept" and the County needs a high degree of confidence that the needed water will be available for the life of the project. The next several pages contain an elaborate and sometimes confusing discussion of techniques leading to Table V.P.-5

26. Pg 31, 1st ¶, last sentence: Note the statement: "And if the groundwater pumping exceeds the potential for capture, new equilibrium conditions are not possible (e.g., Bredehoeft and ----Leake, 2004)."

27. Pg 31, 2nd ¶, 1st sentenced: Note statement that "The Phase 3 testing established that water levels continued to drop at 3 of the 4 wells with pumping at the estimated sustainable yield rates; thus equilibrium groundwater condition were not --- and depletion of groundwater storage continued." That pretty much says it all! However

the RRDEIR continues over several paragraphs to apply a number of analytical maneuvers in attempts to dispel the fact that a sustainable water supply is unavailable. These various methodologies are reflected by the revised data shown in Table V.P.-5, items 3.1, 3.2, 3.3, and 4.0. But all this arm waving will not create water in fractured shale bedrock when the wells fail as the groundwater levels fall with the pumping necessary to met long-term project demands.

28. Pg 32, 1st ¶, 1st & last sentences: Note that "Initial yield from wells in fractured bedrock aquifers is often not representative of longer-term yields, which are typical lower." This fact cannot be avoided. Also note "---so recovery is often substantially slower that drawdown." Also see the last sentence in the next paragraph that states for linear fractured systems as on this property, that "---so rate of drawdown with pumping will be faster than for radial systems." All of these facts should be of concern to the county regarding the sustainability o water supplies for this project.

29. Pg 35, 1st ¶, next to last sentence: Indicates that irrigated landscaping will be limited to 300 SF of turf and 1200 SF drought-tolerant plants. Admirable goals but folks spending the big bucks for these parcels are not going to be happy with a 10'x30' patch of green grass. If that is in doubt, take a ride around the adjacent Rim Rock properties. CC&Rs and HOA rules are only as good as enforcement measures and soon fade into history after homeowners gain control of their properties, which they will own, not rent. This is mentioned only to highlight the risks **if** the estimated project demand of 46.3 afy creep upwards thus making the water situation more troublesome.

30. Pg 35, last ¶, last sentence: Mentions "the 75-unit dude ranch, which is not currently in the current project application --- would require approximately 13 afy (Cleath & Associates)." Detailed information on the dude ranch is not included in any version of the DEIR, and has not been neither provided nor subjected to environmental review. The phrase "dude ranch" has many interpretations and the environmental consequences could vary widely depending on the implementation. Clearly a 75-unit dude ranch in mid-Los Berros Canyon would impact traffic, noise, dust, and other elements besides water, which is critical. The dude ranch should not be grand fathered by the current EIR process but instead withstand the rigors of environmental review.

31. Pg 36. 1st ¶, last sentence: The "applicant's estimated total rate of 0.44 afy per lot is reasonable ---." This statement might be appropriate for grouped city lots but is questionable given the diverse, wide spread and country setting of lots in this project.

32. Pg 37, 2nd ¶: It could be argued that data has been provided that substantiates this project has the potential to violate both of the two CEQA criteria mentioned. Groundwater could easily be depleted and the project may not have sufficient water supplies. Certainly the data and facts presented to not adequately prove these criteria can be satisfied for the life of the project.

33. Pg37, last ¶, 1st sentence: The statement that "---the capacity of the wells is more than adequate to sustain a continuous flow of 46 gpm for one month." So what? We are not concerned about any given month but rather the long-term and during periods of severe drought.
Also, in the 4th sentence, the statement that "---below average rainfall occurred from 2007 through 2009, ---reflect drought conditions" is misleading. Granted this period had slightly below average rainfall, but this period is not representative of the severe droughts that have frequently occurred in the recent and distant past. Therefore, the conclusions drawn are suspect and should be challenged.

34. Pg 37, last ¶, 5th sentence: Again, note the statement: "In addition, long-term yields of water well producing from bedrock aquifers, which may have linear fracture systems, commonly are substantially less that short-term yields." Here it is again, a disclaimer that basically alerts the county to the high risk of approval. And the stated claim in the next sentence that "---long-term groundwater production rates of 21 afy for each of two irrigation wells at the project site (Cleath-Harris Geologists, 2010) supports that 62 afy is a viable long-term groundwater projection rate for the four project wells combined." It is unclear how or why this is true. This view needs to be expanded upon before being considered valid. The records appear limited to a relatively short period, not long-term compared to the many decades of life span for the project; and at best the pumping records for these wells are sketchy (just selected and separated time periods) which make the statement suspect. Besides, relying on old and sketchy production data is risky unless verified.
Finally, note the statement in the last sentence that "Projection of "time vs. water level trends based on the Phase 3 pumping data indicates that Phase 3 pumping rates are sustainable for at least several decades." Unbelievable given the totality of the foregoing adverse discussion topics and concerns. Ninety-five days of Phase 3 pumping following a period with138% of normal rainfall is not indicative of conditions over the life of the project. Long-term curve fitting to limited and suspect data is like measuring with a micrometer and chopping with an axe. And if this statement were believable, how long is several decades – what will last longer, the water or the development?

35. Pg 38, 1st ¶: Discusses the proposed onsite water company. Again the applicant or continuing operator of the vineyard, winery and other ag activities must be included as a partner in this water company. There is one project and one source of water (groundwater). The applicant's eight items of proposed priority for implementation in the event of a water supply shortage are of interest. Item seven suggests potential purchase of water from an offsite party but in reality there are no such sources today or the foreseeable future (contact NCSD for more info). Item eight mentions reduction or periodic cessation of ag irrigation. This item by itself justifies the justification for the ag operator participation in the water company.

36. Pg 38, 2nd ¶: Includes the following concluding statement "---the proposed water source is adequate to serve the project because the estimated project demand (46.3 afy) is less than the estimated sustainable yield (62.4 afy) for Wells 10, 11, 14, and

15." This statement cannot be accepted on face value until the many problems, concerns and comments previously mentioned have been resolved. And even then, only God can make such an unqualified forecast statement. The County much acknowledge some as yet not quantified degree of risk that water is and will continue to be available for the life of the project and resultant homes.

37. Pg 38, (a) Effects to Ground, 1st ¶: Note that this again indicates that stable equilibrium were not attained during the 3 phases of testing and continued decline in water levels at 3 of the 4 wells (the 4th influenced by the creek) during phase 3 pumping will not result in full recovery to "the phase 1 operational static water levels," but will cause additional depletion. Again, the reference is made to supplemental info for ag wells 1, 4, 5, & 9 that show downward trends during the testing periods, despite increased rainfall in 2010 and 2011. This seems to indicate some previously denied connection between the ag and domestic wells? Then we find this statement: "Declining groundwater levels do not indicate that Phase 3 pumping rates are not sustainable, but rather that the system did not reach equilibrium." Simply put, this means that more water was pumped than was returned or recovered to the wells – meaning you are eventually going dry.

38. Pg 38, last ¶, 1st sentence: Possibly one of the more important statements: The projection of downward water level trends exhibited during testing and the unknown to possibly achieve equilibrium pumping conditions underscores that time frame is an important issue with respect to long-term viability of the wells to meet the proposed project demands." How could any project be given approval with that type of disclaimer? But the next sentence alludes to climate change likely causing more runoff, less recharge of groundwater and possibly long-term decrease in base flow of creeks." Seems this just makes an unacceptable situation even worse – WOW!

39. Pg 39, 1st ¶: This is basically a repeated statement from page 38 so please see comment #36 that applies here as well but will not be repeated – see comment 36.

40. Pg 39, 2nd ¶, last 3 sentences: Note same theme as before – "---but will result in long-term average declines in groundwater ---", "---additional depletion of groundwater storage is necessary to sustain long-term water production to meet project demands," and finally "With continued pumping, equilibrium water levels for each well may be attained in time." Or maybe not, then what? How mush time? What if sustainment and equilibrium are not possible – which sounds just as likely, and then what? This series of sobering statements by the applicant cannot be ignored or overcome by flowery good-will promises not based on reality.

41. Pg 40, 2nd ¶ last sentence: "Drawdown of groundwater levels below sea level is not possible --- because the bottom of the screened intervals is well above sea level." Fig V.P.-4, page 13, indicates that the bottom of Well 12 is about sea level, and Well 13 not much higher – neither appear to be hundreds of feet above sea level. While sea water intrusion is remote, the statement is either incorrect or the figure is in error,

42. Pg 40, (b) Effects to Los Berros Creek, 2nd ¶, 2nd sentence: Mentions that water production limitations are recommended for Wells 10 and 11. The restrictions on pumping of Well 11 are adequately discussed but what about Well 10? Little mention here or reference to where the limitations on Well 10 are provided other than on page 44 item c.6.2 stating that maximum yield for Well 10 shall not exceed 6.5 afy..

43. Pg 41, 3rd ¶: States that "However, production rates from other wells in the area could decrease if pumping from project wells is conducted in excess of sustainable yields of aquifers, which would result in general lowering of the water levels due to depletion of groundwater storage." A good statement of the problem! Now what is real world sustainable yield? Arguments can be made that those quoted in the RRDEIR are inflated and/or unrealistic over the life of the resulting homes. At the end of the paragraph it is acknowledged that ' ---the data show a general decline in groundwater elevation at these wells over 30 years". This reference refers to other wells on the property that were drilled after vineyards replaced cattle grazing. This downward trend in the water table is common thought out the foothill areas in the south county. That is why we're all worried about our wells going dry. Without water, property values and property taxes will drop dramatically.

44. Pg 42, 2) Impact Summary: The statement "Based on analysis, there is existing adequate water supply to serve the project." This is incorrectly stated as an absolute, indisputable, unchallenged, without controversy proven fact. Wrong! Many major issues and concerns remain open. At least the stipulations regarding 138% rainfall and reduced production from fractured bedrock should also be included as elsewhere in the document. This concern over water is not just my view but one previously documented in correspondence from the SLO County Water Resources Advisory Committee (WRAC) letter dated March 9, 2009; Sierra Club Santa Lucia Chapter letter dated June 5, 2012; Hollister & Brace Corp's attorney Peter Candy letter dated June 11, 2012; and numerous private groups and individuals that have express strong concerns and opposition to this project.
Granted, additional information and opinions were provided in the latest RRDEIR, but the underlying fact remains that water can not be guaranteed for the life of the project. Instead enough questions and concerns over water have been raised that still remain controversial. It is misleading to express absolute opinions such as the one mentioned above, which in realities are inappropriate if not incorrect. This and similar absolute statements need to be tempered with the real facts. For example, the 138% rainfall and fractured bedrock yield issues. Suggest the use of "probably is" instead of "is" would be more correct.
Also, to what degree of certainty can water be assured? What is the probability that water supplies might fail during the project lifespan? Decision makes deserve some meaningful assessment of the risks rather than unqualified absolute statements that cannot be proved. The foregoing comment applies elsewhere whenever absolute statements and opinions are made without quantified justification.

45. Pg 42, 2nd ¶: Consistent with the above comment, note the uses of the work "estimated" for project demand and sustainable yield. At least now the decision

makers should understand there are some unknowns or risk associated with these critical values. However, they still have no guidance as to probability or range uncertainty. Since these are estimates, how can absolute statements be justified?

46. Pg 43, 1s t¶: States that the applicant will prepare the Water Master Plan. On page 44 indicates that this plan will be administered by the Mutual Water Company and enforced by the Homeowners Association. Again, the operator of the vineyard and winery should be a member if not co-chair of the HOA. The entire property is one entity and needs one identity responsible to the county and other agencies.

47..Paage 44, item d.: Indicates that if the MWC and HOA are out of compliance with the Master Water Plan, compliance will be demonstrated for one year prior to issuance of construction permits. Suggest that one year be increased to a minimum of two years to gain assurance that compliance was not a random event.

48. Pg 45, 1st ¶, last sentence: Good as far as it goes but is there a way to limit or penalize resale of properties when the HOA is out of compliance with the MWP? The restrictions indicated may not be sufficient to force compliance over the long-term.

49. Pg 47, *Residual Impact*, last sentence: States "---to support a conclusion that the proposed water source is sustainable and would not have a significant adverse effect on water resources and agricultural production (both on- and offsite)." Another absolute statement – see comment 44 and other comments that make this claim questionable or without proof. Again, where are the admonitions on 138% rainfall and reduced production from fractured bedrock? The RRDEIR continues with "---the project's effect on water supply would be considered *less than significant with mitigation, Class II.*" This is not supportable based on the issues and concerns discussed in these and other reviewer comments. The arguments raised should cause the project to be considered at *Class I.*

50. Pg 54, 1st ¶, next to last sentence: Note that the applicant is "---required to demonstrate management and maintenance of the facility (sewage treatment & disposal) for the life of the project." Two thoughts: 1) additional justification for applicant/operator participation in the HOA, and 2) similar assignment of responsibility would also be preferable for the Water Mater Plan. At least make it joint effort and responsibility, especially when it comes to enforcement.

51. Note that water availability statements are based on a demand estimate of 46.3 afy for the project. If this demand estimate turns out to be low for whatever reason, the feasibility of the project becomes even more suspect

52. Pg 55, 6.Cumulative Impacts, a <u>Water Supply</u>, last sentence: Another absolute statement not supported by facts. See comments 44 and 49 above. Also not "---achieve equilibrium---." The potential for the wells to eventually achieve equilibrium was not demonstrated during pump testing – in fact, just the opposite. Further insufficient proof was ever presented to show when or if such a state would ever

occur. The facts could just as easily lead to an opinion that the system is more just as likely to fail as achieve equilibrium.

53. Pg 55, last ¶, 2nd sentence: Note statement "The proposed project ----would not contribute to regional groundwater withdrawal." Another of those reoccurring absolute type statements/opinions without factual justification. Experience elsewhere through the Nipomo foothill area clearly demonstrates that excessive on one property can result in drawdown of adjacent and even remote wells in the area. The movement of water within and across these areas is not well understood or documented. Absolute statements implying otherwise are risky if not foolish. Also note in the 3rd sentence "Under average rainfall conditions----would not have a significant effect on coastal aquifers ---". What about the impacts from the all too frequent dry years of prolonged drought conditions?

54. Pg 56, *Residual Impact*, last 2 sentences: Comments are basically the same as comment 49. Also please note paragraph 2 of my June 8, 2012 letter that relates to the frequent use of absolute type statements presented without stipulations dealing with 138% rainfall or reduced production from fractured bedrock. Decision makers deserve more than subjective observation; they need quantification of risks and probabilities of occurrence. Otherwise decisions are just guesses. Also, the many issues should make this and other findings score as *Class I* environmental impacts.

NOTE: Some of the foregoing comments may seem repetitive or even redundant, but that is caused by the document being reviewed having the same characteristic.

H1A Laetitia Groundwater Report – Geosyntec (Oct 2011)

The major factors and statements from the 3 Geosyntec documents (attachments H1a, H2 & H3) are the sources of information embedded within 04-V.P. Water Resources. Therefore, my comments are included above but apply to the same statements extracted from these three Geosyntec documents and will not be repeated. This particular document (H1a) was available with the RDEIR and similarly was a major input to the discussion of water availability. My June 8, 2012 letter and comments on the RDEIR are mostly still appropriate, will not be repeated but should be considered. Additional comments are as follows.

55. Paragraph 3 of my June 18, 2012 letter and its Attachment 1, *Representative Statements Using "LIKELY"* are still germane and should be addressed.

56. Pg ES-4, last ¶. 3rd sentence: "---the concept of sustainable yield has been broadly defined as the amount of water that can be pumped indefinitely ----."
With that in mind jump to page 16, ¶4.4.4, 2nd stating: "---at Well 15, the Phase 3 pumping rate can likely be sustained for a few years before the water level would drop below the top of the screen."

Also in the next ¶ note: "---Well 13 can likely be sustained for many years --." Neither "a few years" nor "many years" equates to "indefinitely." Also note liberal use of "likely" – see comment 55 above. Clearly we have a problem.

57. Pg 21, ¶4.7 Fractured Bedrock Aquifers, 2nd ¶, 1st sentence: Note that: "Initial yield from wells in fractured bedrock aquifers often is not representative of longer-term yields, which are typical lower." And in the last sentence "---so recovery is often substantially slower than drawdown." Valuable info not noted previously but that adds to the concern for the limited data available to make momentous decisions.

58. Pg 23, 3rd ¶: Note the "The revised estimated viable long-term production rate of 62.4 AFY, which equates to 38.7 gpm, is less than the maximum daily demand (MDD) of 46 gpm." Granted it is less but only by 7.3. gpm, and that is too close for comfort. Especially when considering the 2 caveat disclaimer or forewarning cautions in the following paragraph that are worth repeating again: "However we caution that rainfall during the testing program was 138% of average, and also that long-term yields of water wells producing from bedrock aquifers ----commonly are substantially less than short-term yields. These qualifying facts need to be included wherever absolute statements are on water on stated in the RRDEIR.

59. Page 23, last ¶, last sentence: Attempts to rationalize the problem by using production rates from two irrigation wells elsewhere on the property. See second portion of comment 34.

H2 Baseline Water Demand – Geosyntec (April 2013

Again, this Geosyntec document was an information source for 04-V.P. Water Resources and most of my comments are included above.

60. Pg 2, 1st ¶, last sentence: Note this analysis is a supplement to their October 2011 document, H2a. The objective of the analysis is to presents a summary evaluation of Baseline Water Demand. However, the definition or quantification of what the baseline water demand is not succinctly stated included or referenced. Interestingly Table V.P.-1 on page V.P-17, while not so titled, is referred to in the text below the table as existing baseline water demand. This table or a reference should have been included before starting the confusing analysis. And, as will be seen, the attempt is to further justify the questionable reduction in estimated water demands for the vineyards, and rationalize a "20 to 26% increase in groundwater production rates from the Laetitia property" to further compound the risks of insufficient water.

61. Pg 2, last ¶: States that "---the 2011 irrigation rate equates to approximately 0.34 AF/Y per acre of vineyards, substantial higher than the estimates for 1994 and 2003 ---." Recall 2011 is within the period of unusual 138% or average rainfall. Also note that 0.26 AF/Y per acre was based on only records that were for 1994 and 2003. Why are records not available for other years during the 30 plus of vineyard operation?

62. Pg 4, 1st ¶: Note that the 7 Jan 2010 Draft Memo "---indicates that water demand of existing vineyards ranges from 0.7 to 1.3 with a middle value of 1.0 AF/Y per acre of vineyard. ---water demand of future vineyards is nearly the same: 0.7 to 1.2 with a middle value of 0.9 AF/Y per acre of vineyards." The analysis goes to state in the next paragraph that, ever after subtracting 0.25 AF/Y for supposedly unneeded frost protection, the "adjusted still substantially more than reported values at Laetitia of 0.26 and 0.34 AF/Y per acre of vineyard." So the County's Draft MWP indicates larger water demands. Also, while the RRDEIR states, "---there had not been any need for a frost protection spray system," there are numerous wind machines on the property that are required. Suggest the property Master Water Plan contain a requirement that water cannot be used for frost protection unless approved by the county after assurance that sufficient excess water is available.

63. Pg 4, 3rd ¶: Attempts to rationalize lower estimated water demand per acre of vineyard by using the "*low*" demand values for other coastal areas of the county. The question is WHY were the "*low*" rather than middle or high demand values picked? The answer may be too obvious but why the middle values not used?

64. Pg 5, 1st ¶: Again Geosyntec calculations used the "low water demand value of 0.7 AF/Y per acre for WPA 7," which, when corrected for unneeded frost protection, still results in an estimate of 0.45 AF/Y per acre. This is a more reasonable expected demand than the 0.34 AF/Y developed using 2011 data considering the 138% rainfall.

65. Pg 5, last 2 calculations at bottom of page: Why was "0.34 AF/Y per acre" used in these calculations instead off the 0 45 AF/Y per acre developed above and at the top of page 5? While still using their selected but questionable "*low*" demand values, but substituting 0.45 for 0.34 AF/Y per acre, results in considerably higher Baseline Water Demand of Laetitia and Proposed Vineyards of 279 and 291 AF/Y.

66. Pg 5, footnote: States: "Estimated average annual rainfall for the project area is approximately 17 inches." Based on several generations of land ownership and knowledge of rainfall in nearby locations, 17 inches would be considered a very good year. What the use of "average annual" estimates overlooks is that the entire local area routinely has wide swings or extremes in rainfall – it is either a very wet or a very dry year or few years. And it is the prolonged droughts that are most concerning.

67. Pg 6, 2nd ¶, 2nd sentence: Note that though Geosyntec may consider the again revised sustainable yield to be 62.4 AF/Y, they at least here reiterate a note of caution about the 138% rainfall, and the fact that long-term yields from wells in bedrock aquifers are commonly substantial less than short-term yields. With this two caveats from your experts, along with the numerous other issues discussed in this comments, how can County decision makers reasonably have enough assurance that water will be available for the generations long future of the project? Given this severe problem, disapproval or severe downscaling to a much lower density alternative is in order.

68. Pg 6, 2nd ¶, last sentenced: Again, attempts to use water productions from two older irrigation wells at the project site "---provide an additional line of evidence" to the view that "---63 AF/Y is a viable long-term groundwater production rate for the four project wells combined." While comment 34 on page 9 above should be enough to dispel the reference to the two older wells, trying to include the 21 AF/Y is like double booking production for the area. It is unclear how or why this sketchy, unreliable production data insures the availability of 63 AF/Y. And more importantly, comments 21, 34 and 58 attack the assertion that 62 AF/Y is a viable solution in spite of any reference to production from the two older irrigation wells,

69. Pg 7, Version 2: Comments 64 and 65 again apply to calculations using the 2011 and *low* demand estimates. Excess rainfall inflated estimates of water demands and yields for 2011 should not be the basis for calculations that could mislead decision makers. Also, as shown by comment 15a, even the baseline data in Table V.P.-1 is misleading by using only the 2011 data biased by 138% rainfall and only *low* demand values for the area. Suggest that the baseline data is sufficiently suspect to warrant showing the more conservative estimates as well.

70. Pg 7, last ¶, 1st sentence: The statement that: "A 20 to 26% increase in groundwater production rates from the Laetitia property is viable ----." This statement is totally without justification and supporting data, and is neither practicable nor workable. The statement reflects more extreme bias for the project than most misleading absolute statements noted through out the RRDEIR. The quoted statement is followed (in the same sentence) by four lines of irrelevant information that does not adequately justify the statement.
In the next to last sentence, note the concern that Well 9 production may decrease with operation of Wells 10 and 11 – not a very comforting forecast. And implying that any drop in Well 9 production can be made up by minor increases in pumping from other well in the western portion of the property is also without substantiation.

71. Pg 8, 1st line: Mentions the proposed but flawed 20 to 26% increase in total production may (?) decrease baseflow of Los Berros Creek – but this would still be a problem regardless of the implied mitigation of reduced pumping at Well 11.

H3 Laetitia Residential Watr Demand – Geosyntec (April 2013)

72. Pg 1, 1st, 2nd, 3rd ¶, and bottom two rows of the table on pg2: Geosyntec indicates that the high, low, combined and total demand estimates are presented in the text and in the table on page 2. However, it appears Geosyntec simply picked the lowest or highest values from among those computed using the information from page 4 plugged into equations on pages 5 and 6 to get the Outdoor and Indoor Use (afy/unit). These 2 values were added to get combined estimates, then multiplied by number of units to provide total residential demand.

73. Pg 2, 2nd sentence: Information and equations for rows 3 through 7 are provided, and the approach used to get Geosyntec rows 8 and 9 are summarized above. But what is particularly interesting is the significant reductions in the Combined Use

(AF/yr/unit) and resultant Total Residential Demand (AF/yr) as we have progressed from the original DEIR, to the RDEIR, and finally to the RRDEIR. Somehow extreme confidence in the very low final estimates is difficult to express and perhaps the results might still be questioned? If these are reasonably correct, how and why could the previous two estimates have been so incorrect yet submitted as best knowledge? I sure hope the agencies that developed the four approaches outlined on pages 5 and 6 have a high degree confidence in their methodologies and their use on this project. Finally, all four of these processes pre-dated the RDEIR – why were they not used? The County's monitoring actual usage against these estimates, which should migrate to the project Water Master Plan should prove interesting.

However, I do strongly support the last sentence calling for a water management plan along with a well-defined process to monitor and enforce the plan.

Also, the fact H3 and other several other places in the RRDEIR mention the DEIR and RDEIR, helps justify my request that the County consider all the appropriate comments in my 6 November 2008 and 8 June 2012 letters on the Laetitia project.

06 - VI. ALTERNATIVE ANALYSIS

Note: I request that all the specifics included in my two transmittal letters with comments on the DEIR and RDEIR(dated November 6, 2008 and June 8, 2012) be addressed as appropriate. Limited additional comments on this section follow below.

74. Pg 2, last ¶, 2nd sentence: Mentions that "Significant and unavoidable transportation and circulation, ---effects would also occur." The fact that transportation impacts occur and are mentioned here as well as in table VI-1, justifies the re-introduction of the major problems on Los Berros, Dana Foothill, Sheehy, Thompson road corridor. This is not a new issue but one that has not been gotten proper attention, resolution and/or mitigation.
Please see the comments included in the next to last paragraph of each of my transmittal letters mentioned above along with their attached specific comments dealing with this problem. This road corridor is already a mess and will be totally unacceptable should this project be developed. It is unreasonable and unacceptable that a single, composite Transportation and Circulation Impact Statement (TR Impact #x) has yet to be included in any version of the EIRs. Instead, approximately 7 separate TRs (see Table VI-3) were developed that attempt to address parts but not all of the problems. And worse of all, these TRs , except two (TR-4 & -15) are rated as Class II. Yet to most of the local community, this issue represents a major Class I impact item ranking near the top of the list of all Class I impacts. Also see previous comments on this corridor.

75. Pg 4, 5, 57 & 58; TR 4 & 15. These two TR both address the same group of issues but as will be shown, still to not adequately address or resolve the problems with the aforementioned corridor. TR Impact 4 states: "The proposed project would add traffic to southbound HW 101 during the p.m. peak hour and exacerbate an

existing deficient condition according to Caltrans standards. Congestion under Level of Service (LOS) conditions would be limited. The proposed project would exacerbate existing deficient conditions at the HW 101/Los Berros Road/North Thompson Road ramp junction the p.m. peak hour." There are several problems with the way this TR is writer: 1) 1st sentence address HW 101. 2) 2nd sentence addresses LOS only – HW 101? 3) 3rd sentence confusingly mentions some of the corridor of concern but appears to be pointed specifically at "ramp junctions during the p.m. peak hour." Again this seems to be concerned about the HW 101 ramp. Obviously all three sentences miss the target and, therefore, we do not have a specific TR.

76. Pg 5, TR Impact 15: This TR is much the same as TR-4 but considers the Cumulative Conditions. This TR also misses the target. We need a specific TR for the many problems of the previously defined corridor. Note that on pg 57 & 58, the titles are shortened to – for TR-4, "101/Los Berros Rd/N. Thompson Rd., off-site" and for TR-15, "101/Los Berros Rd/N. Thompson Rd, cumulative." Clearly these two TRs are inadequate; and either a new single composite TR or several issue specific TRs rated Class I should be included the EIR process as soon as possible. Note that the actual TR forms were not available for review.

77. Pg 6 & 7: In my view, the *No Project Alternative, Redesigned Project A – Single Cluster Alternative 93%* Reduction, *Reduced Project A – Single Cluster* Alternative, and *Reduced Project A – Ordinance and General Plan Consistency* Alternative are the most desirable alternatives listed in order of priority.

78. Pg 8: (Editorial.) The 2nd and 3rd paragraphs are identical and redundant. One needs to be deleted.

79. Pg 11, c. Air Quality, last sentence: Note the statements: '--- impacts stated related to urban development within a rural area, ---- would result in a significant and adverse impact due to inconsistency with the Clear Air Act." This project is representative of the leapfrog development that resulted in the urbanization of much of southern California and should b e resisted in our county. These types of projects are also inconsistent with the principles of Smart Growth being promoted within the county. Which is it to be for our rural area – risky major leapfrog development or controlled growth?

80. Pg 12, a. Biological Resources, 3rd ¶, 2nd sentence: Indicates this alternative uses Well 14 and 15, but, suggest for accuracy that Wells 10 and 11 also be included in the statement.

81. Pg 12, last ¶, 1st & 2nd sentences: Correctly indicates that off-site road improvements would be required but unfortunately only mentions some specific changes on Los Berros Road. This statement needs to be expanded to include fixing the hairpin 90° corners and sharp S-curves on Dana Foothill. Also needed are widening the bridges and shoulders on these and Sheehy Roads. See my earlier comments on traffic issues and need for additional TR statements.

Statements similar on off-site road improvements appear repeatedly in most of the other alternatives. My comments above and elsewhere on Transportation issues apply in these cases as well but will not be repeated at each occurrence.

82. Pg 15, i. Noise, last 2 sentences: Indicates that: "this alternative would generate transportation-related noise impacting offsite residents adjacent to affected roadways." I question the source of the estimate that "-- increase in noise level would be about 1.2 decibels above existing conditions, which would not be significantly perceptible." How was this determined? Has anyone ever recorded the noise levels on this corridor over several days? This project will add traffic to make a bad situation worse.

The opinion that noise from approximately 1000 trips per day, many larger service vehicles and delivery trucks, would not be significantly perceptible is fatally flawed. My brother lives in a home dating back to the 1940s located near Sheehy Road. He continuously complains about excessive road noise and states he requires use of earplugs to sleep. Not only are traffic and speed related noises excessive, it seems many drivers enjoy running over the reflective dividing-line markers. Sounds like a train track. Traffic on this corridor will increase resulting in needed improvements but the speed of existing and future also needs to be reduced.

This impact will occur in varying depending on the number of lots in each of the various alternatives. My comments apply in those cases as well.

83. Pg 16, l. Transportation and Circulation, 1st ¶: Again seems to focus on HW 101 and ramp junctions (see earlier comments on TR-4 and –15.) This and similar sections on Transportation and Circulation does not address the other critical issues of concern to local property owners. For example the 2nd ¶, mentions need for offsite road improvements but appears limited to Los Berros Road. My earlier and previous comments concerning the upgrading the entire public road corridor supporting the project apply here as well, i.e., widening bridges and roads, installing shoulders, fixing blind and hairpin curves, line-of-sight improvements, speed control, etc.

84. Pg 20, c. Agricultural Resources, last sentence: Note statement "Based on the environmental constraints identified on the project site,----policies would not be achieved upon implementation of any large-scale agricultural cluster development on the project site." Wow, that is a pretty strongly adverse statement! The RRDEIR continues with info which would allow for further considerations including potential for increased buffers between Farmland and residential use. However, the initial statement is still noteworthy and could cast a shadow over any cluster developments.

85. Pg 22, m. Transportation and Circulation: Note "Offsite road improvements may be necessary based on further quantitative analysis." This statement is included for several alternatives. What further analysis? By whom and for what? When? Seems that the results of any further analysis could have impacts and should be included in the RRDEIR not pushed out to some unspecified date. Hopefully the

work elements, cost drivers and ROM costs for offsite road improvements for each leading alternative should be known prior to approval RRDEIR or of any of the applicants al alternatives. Further, the applicant should be responsible for the costs associated with all offsite road improvements, not local taxpayers.

86. Pg 23, **Reduced Project B – Reduced Density Two-Cluster Alternative**, last sentence: Mentions that the "ranch headquarters" would remain but "private recreational facilities including the pool and tennis courts would be eliminated. Here, it is again, the so-called "ranch headquarters" has nothing to do with the remaining agricultural operations but is limited to the use and enjoyment of members of HOA. The phrase "ranch headquarters" for this location and related facilities is misleading and should be changed throughout the RRDEIR to something like "HOA Headquarters" or "HOA Facilities." Hopefully the policy and decision makers, including tax assessor, will not be confused by this play on words.

87. Pg 38D, **Redesigned Project C – Effluent Disposal Alternative**: This appears to be a good option to incorporate in other alternatives if appropriate.

88. Pg 54, HM Impact 3: Mentions dude ranch but as noted elsewhere, insufficient information and details were provided but are needed to assess most of the impacts of the dude ranch. It is assumed a supplemental DEIR will be provided for public review prior to approval. The objectives, operation philosophy, and other operation al concepts are needed. With 75 units, is it a glorified motel? How many head of horses and cattle are kept on site? By month or season, what is the expected maximum number of expected guests? What was the basis for the estimated water demand? What dust and noise will result? The dude ranch is a concept that should be discouraged given the poor access and environmental to that relatively undisturbed portion of what was Campy's ranch.

89. Pg 56 & 57: TR Impact 1, 2, 3, 7, 8, 9, along with 4 & 15 deal with the Los Berros, Dana Foothill and Sheehy road corridor. Taken together or collectively, these TRs and others generated for this corridor, such as the problems at the interaction of Sheehy and Thompson, should be rated as Class I, not Class II as shown for most. The corridor is an entity, not a collection of unrelated problems.

90. Pg 61, last sentence: I could support the environmentally superior alternative (*Reduced Project B Single Cluster Alternative – 93% Reduction*), over higher density options but even that proposal would require mitigation measures for the issues noted.

Also, the creation of a new frontage road extending to existing interchanges is still a good idea since a HW 101/Laetitia Drive has not received any detailed study. The use of the existing road corridor is probably not ever to be a welcome choice. Still, the best idea is No Project!

I hope these the response to these and earlier comments will result in a superio project for the applicant, his neighbors and the rest of us in the Nipomo foothills.

ENCLOSURE 1

R. Toomey Letter, November 8, 2008, and attached comments

November 6, 2008

Mr. Brian Petrotti, Project Manager
County Planning and Building Dept.
County Government Center, Rm 200
San Luis Obispo, CA 93408-2040

RE: Draft EIR, Laetitia Agricultural Cluster Subdivision Project

Dear Mr. Pedrotti:

I am a fifth-generation native of Nipomo residing on property that has been in my family since the Nipomo Land Grant. Our home is near the intersection of Thompson Avenue and Sheehy Road. My brothers and sister own adjacent parcels to my property. I am extremely concerned about the adverse consequences to our area if this major development is allowed to continue as proposed. The project appears to be intended to maximize the developer's profit at the expense of our rural way of life in the northeast Nipomo and Upper Los Berros areas.

I grew up enjoying the benefits of recreation in Los Berros canyon – from the Campodonico's (Campy's) and Barden's to the Martin's ranches – hunting, fishing, riding bikes, and riding horses on both sides of the canyon. I was related to many of the landowners back then and knew most the rest. I even worked for Campy during a couple of my high school summers. I have a unique knowledge and understanding of this location and I plead for better consideration of this unique and irreplaceable area.

This DEIR and the proposed project's irreversible consequences have not been examined sufficiently. This massive development project represents a major slide toward the destruction of our rural way of life and the "citification" of NE Nipomo. The neighbors surrounding the proposed project site neither support nor want this type of growth-inducing development under the guise of preserving agricultural lands. The applicant, Janneck Limited, is the same developer who brought Nipomo the troubles at the Woodlands and we do <u>not</u> want such a problem here.

My major concerns are regarding the long-term availability of water and increased traffic congestion at the intersection of Thompson Avenue and Sheehy Road. However, I've attached additional observations, comments, and concerns regarding several sections of the DEIR.

The water table east of Highway 101 has been dropping for many years. For example, until the late 1940s, a 45 foot well was able to supply two family homes at Thompson and Sheehy with excellent quality soft water. That well which resides on my parcel became unreliable in the late 1940s and went dry in the 1950s. My grandfather had a small dairy on this property during the 1940s and 1950s. He drilled another 150 foot well in the late 1940s to sprinkle permanent pasture; that well went dry in the 1980s. During the 1970s my brother-in-law drilled several wells to support his 100+ acre lemon orchard that still exists adjacent and south of Sheehy. Since that time more wells have been drilled due to lack of sufficient water since he sold the property. Well failures are common in the local area. This problem is a known characteristic of wells in the fractured shale of the Nipomo region. Continued water availability in this area is uncertain at best.

Five years ago, I had to drill beyond 550 feet to get a domestic well for our new home. Recent wells in the area have been drilled to over 700 feet. Recently both my brother and sister, on parcels adjacent to mine, have had problems with the dropping water table and are near the bottom of their existing wells. My sister's initial well went dry while her home was under construction. I provide this

historical information as proof that there has been and continues to be a severe water problem in the fractured shale of the NE Nipomo. I understand that my neighbors in Rancho Nipomo also have water issues. This development project with its high number of homes and associated water demand can only make a bad situation worse. The County cannot allow more demands on a diminishing resource without major adverse ramifications to all.

I am very concerned that the entire project relies on various water studies paid for by the applicant and performed over many years by one firm Cleave and Associates; the same firm involved with the Woodlands project. Without independent validation of a firm's findings a firm hired by the proponent can simply go out of business when its findings are found to be invalid and leave the County with adjudication problems; similar to what the firm, San Luis Engineering, did when oil contamination was found beneath homes in Nipomo. The County might expect similar repercussions if nearby properties lose their water based on the invalidity of the project's available water assessment. For this reason I believe the County must obtain an independent assessment of the proposed project's water issues; to do any less would not be prudent.

In regards to the traffic impacts of the proposed project, I have serious concerns about the reliability and validity of the traffic data. I have been involved with the corner of Thompson and Sheehy for over 70 years and seriously question that the proposed mitigation measures will even begin to resolve the problems resulting from this project. The project relies on traffic counts that were taken in the dead of winter during the first week of January 2006 when Laetitia staffing is at a minimum (most use the proposed route), when schools were not in session, and when traffic would be at a minimum due to the holidays. The traffic data in the DEIR also does not include traffic count adjustments for the eventual rerouting of traffic from the Willow Road Extension onto Thompson since there are no proposed Northbound on or off ramps at Highway 101 and Willow Road *[added in final design}*. The traffic from the Willow Road extension will be using Thompson Avenue thus adding more burdens to the roadway. My family and I use this roadway 365 days a year and have experienced traffic delays and hazards going both north and south on Thompson. I simply do not believe the traffic count data are representative of current traffic loads, even without the coming Willow Road impact on Thompson. The 3-year old data needs verification during a better representative period of usage. Once a revised traffic count is complied only then can the traffic impact of the proposed project and road capacities of Thompson and Sheehy be analyzed.

I strongly urge the County Planning Department to reject this unnecessary development because it will cause significant, adverse, and irreversible residual impact to the environment and to our way of life in this slice of heaven. As President Reagan used to say about his property in Santa Barbara County, "it may not be heaven, but it's in the same ZIP code"; I strongly feel the same about Nipomo and Los Berros Canyon. Please protect the quality of our rural way of life and allow me to leave my grandchildren, who will be the seventh generation on this property, an area to treasure without additional traffic and noise from this project that does not fit the rural character of the area. Thank you for your assistance and continued support.

Raymond M. Toomey
1150 North Thompson Avenue
Nipomo, CA 93444

Comments Attached

LAETITIA DEIR
OBSERVATIONS, COMMENTS & CONCERNS

While I believe in private property rights and free enterprise, these initiatives should not be at the expense of the overall environment or the existing quality of life of others. This DEIR and the proposed project are fatally flawed in several ways as illustrated by the following observations, comments and concerns. As is so typical of DEIRs paid for by the proponent, this DEIR does not adequately address issues that should not be left unresolved before the proposed project is allowed to proceed.

This DEIR is uniquely, perhaps confusingly, organized – containing Sections I – IX, with interwoven numbered portions 0 – 24, plus Appendices A - G. Given this complex structure, I've chosen to provide comments on selected portions of the document and have included the appropriate section identifiers. The section and page number is provided with each comment. But in general the comments apply where appropriate throughout the DEIR wherever the basic material is repeated.

1. I-1, ¶A, 2nd & 6th lines: First mention of "four build-able open space lots" totaling 1787 acres of the 1910 total acres. Using the phrase "open space" is misleading since most of the project infrastructure will be built on these lots. These common usage areas include the HOA facility, community center, recreation center ("ranch headquarters"), and an equestrian facility. Later, the dude ranch will go on an "open space lot." This does not sound like true "open space" to me but rather essential parts of the project that will impact the more appropriate usage of open space. Further, referring to the mentioned facilities for use by the residents as the "ranch headquarters" is preposterous, perhaps intended to hide their true purpose and avoid property tax. Clearly these facilities have nothing to do with the agricultural production of the property. Little true open space will remain after the project is built out.

2. I-1, ¶A, 4th & 5th lines: Mentions the replacement of existing 113 acres with new planting of 140 acres of vineyard. It fails to mention that the new planting will be on less desirable and marginally productive steep terrain while the better areas are used for the 1-acre clustered home lots. May not be a fair trade of agricultural land for development land.

3. I-1, ¶B: Only mentions Deutz property activities but ignores subsequent purchase of Campodonico Ranch Los Berros property in 1998 than makes the major portion of this development. Refer to V-147 ¶1.b & .c. Laetitia consolidated these two parcels for this project.

4. I-3, Environmental Impacts & Mitigation Measures – last 2 bullets: Could not locate specific sections dealing with "Growth Inducing Impacts" and "Irreversible Changes." If these sections were requested during the NOP (as implied), then the DEIR should include these specific items.

5. II-2, ¶B, 5th – 8th lines: "The applicants stated objective is to --- --- enable future generations of the landowners' families to continue to farm these lands ---" does not sound legitimate. The project applicant is only a spokesman for the landowner. Who are these families that want to farm these lands? First of all the absentee landowner does not reside on the property; nor do members of his family. Second, I believe this is just a ploy to take advantage of the real intent of the Agricultural Cluster ordinance. This owner has always intended to develop these properties as evidenced to the early dates of the initial planning documents. We do not want to line the pockets of an "out-of-towner" who never planned to keep the land in agricultural usage and sustain the rural character of Los Berros. See comment 33.

6. II-2, ¶C, bottom of page dealing with "road improvements." For generations, young and older members of my extended family have exercised, walked, rode bicycles, and/or rode horses on Sheehy, North Dana, and Los Berros roads. Even with current traffic levels this has often become increasingly unsafe. Granted the road surface and shoulders might be improved but where is one to recreate? We are taking away the very worthwhile attributes that make living in Nipomo such a pleasure; growth in rural areas is not always the answer. Require the applicant to develop needed on/off ramps at Highway 101 and Laetitia Winery if he insists on the proposed development – and leave us alone to enjoy the rural environment which is why we live in Nipomo.

7. II-4 to II-77 summary info: (a) Table II-1, Class 1 Impacts: consists of 21 items with 17 pages of discussion, all with *Residual Impacts* deemed "Significant, adverse, unavoidable" - my comments 8 through 19 apply to these Class I Impacts, (b) Table II-2, Class II Impacts: consists of 73 items with 48 pages of discussion, all with *Residual Impacts* deemed "Less than Significant with Mitigation." (c) Table II-3, Class III Impacts: consists of 3 items with 2 pages of discussion, all with *Residual Impacts* deemed "Less than Significant." And finally (d), Table II-4, Secondary Impacts: consists of 19 items with 4 pages of discussion, 9 items with *Residual Impacts* deemed "Less than Significant With Mitigation" and 10 items deemed "Significant, adverse, unavoidable." Obviously any project with about 116 items of impact requiring 77 pages of summary discussion cannot be taken lightly. Such a project warrants careful attention and close scrutiny by all the affected government agencies.

8. II-4 to II-8, BIO Impact 3, deals with impacts on 300 existing oak trees: Mitigation Measures BIO/mm-15 requires replacements at 4:1 ratio for removed and 2:1 ratio for impacted trees. That sounds reasonable but the top of pg II-7 appears to allow a "conservation easement or monetary contribution" instead of replacing 50% of the trees. Further, at the top of pg II-9 under Mitigation Measure Summary, funding for each tree is established at $972 per tree. Bottom line allowing the County to accept less than true market value per mature tree should be unacceptable given the time and mortality rate typically involved to establish a mature Coastal Oak Tree. Allowing the Project Applicant to simply buy out the removal of 150 oak trees seems unacceptable to me; especially at that dollar value to likely be spent off project property. Where is the enforceable Oak Tree Ordinance when it applies to a project of this size?

9. II-7 & 8, item a.2 – requires monitoring and maintenance by a qualified arborist/botanist for at least 7 years, along with annual reports to the County. Who will be responsible for complying with this mitigation? Is it the responsibility of the Applicant/developer (who may be long gone), the Laetitia property owner, or the Home Owners Association (HOA). Just trying to cover this mitigation compliance by including then in a non-enforceable CC&Rs could prove futile. I would like clarification of accountability for compliance with this mitigation.

10. II-9, BIO Impact 7 – decrease in water quality and quantity within Los Berros Creek. The decrease in water quality and quantity should not be taken lightly – as a youth, my brothers and I used to fish for native trout in the creek anywhere above the sulfur springs near the Campodonico's house. Now the natives are gone as probably are the periodic winter steelhead runs that frequently occurred to replenish the creek and resident fish. Los Berros creek has become just another dry reminder of better times long lost – but we can and should do better for future generations.

11. II-10, AG Impact 1 – permanent loss of 178.5 acres of agricultural lands that includes 113 acres of productive vineyards and 61.9 acres of grazing land – "would set an adverse precedent in the County ---": Note that "No feasible mitigation measures are available that would mitigate impacts due to loss of farmland and productive vineyard." This impact by itself should be enough to void the project.

12. II-10, AG Impact 2 – "non-contiguous nature of the project ---": This finding supports the adoption of Alternative 4, *Redesign Project – Single Cluster Alternative*, as described on pages VI-19 to 21. The diverse cluster concept is not the preferred alternative and should be abandoned if the project proceeds.

13. II-11, AG Impact 4 – "significantly contribute to the cumulative loss of productive Farmland." The mitigation measures listed (AG/mm-1 through –3) do nothing to minimize the impacts. I would like clarification or restatement of the facts contributing to the mitigation of this impact.

14. II-11, TR Impact 4 – non-use of Laetitia Drive at HW101: Suggest the best solution to most if not all the objectionable traffic issues could be solved by the installation of an over crossing with on/off ramps from Highway 101 onto Laetitia Drive. If the development is worth doing, then do it right; make the developer pay for the interchange and mitigate the neighbors' traffic impact concerns. It really is the only correct long-term way to minimize traffic impacts from this project. Besides, with the current dangerous Laetitia intersection, it is just a matter of time before someone gets killed.

15. II-12, AQ Impact 6, AO/mm-12: Mentions applicant's submittal of CC&Rs. The whole concept of CC&Rs for this project is as flawed as the concept of a Home Owners Association (HOA) to operate and maintain the development. Either the applicant or the property owner or both must be required to have some long-term obligation to this project – both for environmental compliance and accountability to the County but also to the prospective buyers of the 1-acre parcels. We have all seen what happens with the erosion of CC&R and HOA requirements once the developers have cashed the checks and gone

over the horizon. The following is a direct quote from the 20 Oct 08 minutes of the South County Advisory Council, Land Use Committee, made by the Vice Chair in reference to concern over care of open space for another project – "---a HOA is only as good as its members." Let's not make those mistakes again with Laetitia – instead find a way to require the existing owner into long-term responsibility for the entire project. After all, his stated objective is to keep the entire parcel in long-term agricultural production; help ensure that is his true objective.

16. II-13 & 14, AQ/mm-13 – talks about "annual off-site mitigation amount" and "off-site emission reduction measures." First, do not let the applicant buy-off excess emissions – that does nothing for the local environment. Second, the list (items a to u) makes interesting reading but is impractical for local implementation. For example, what is or who determines the locations included in "existing homes in the project area"? Most of these mitigation items will do little, if anything, to help air quality in NE Nipomo or Los Berros Canyon.

17. II-15, AQ 9 & AQ 10 – Project inconsistent with "the general land use and planning polices identified in the Clean Air Plan ---, resulting in a long-term, significant, adverse, and unavoidable impact." This finding sums up my concerns about "long-term, significant, adverse, and unavoidable impacts". But AQ/mm-12 & -13 (on pg II-12 to 15) may really do little to control excess emissions. Plus, is the project committed to both mitigation measures in their entirety or just in part? If so, which parts? Please clarify.

18. II-15 & 16, NS Impact 2 & 5, addresses the "significant amounts of new vehicle traffic on Thompson, which would exacerbate the current exceedance of 60 dBA noise threshold --- --- results in a direct long-term noise impact." Please note the finding that "there are no feasible measures to mitigate the impact." However, an interchange at Laetita Drive solves these problems and keeps our neighborhoods quieter.

19. II-19, PSU Impact 4 & PSU/mm-6: discusses need for fire protection and need for the proponent to dedicate land for future construction for a future CAL FIRE station. I'd suggest this is not sufficient mitigation and the project should also be required to provide a significant monetary contribution toward the near-term construction of the station.

20. II-31, WAT Impact 8 & 9 dealing with cumulative reductions on watershed and downstream flow: Implementation of WAT/mm-1 to –10 contributes unquantified water savings that have not been shown to be adequate to meet prolonged drought conditions.

21. II-51, TR Impact 2 discusses need for southbound left turn lane on Thompson at Sheehy: Granted this left turn pocket would help but does nothing to assist with (1) the slowing of northbound Thompson traffic attempting to turn right onto Sheehy or (2) the traffic on Sheehy attempting to turn either left or right onto Thompson. Both situations are already dangerous and will only become worse with increased traffic on Sheehy resulting from this project and increased traffic on Thompson due to Willow Road extension.

22. II-52, TR Impact 7 and TR/mm-8, deals with improving shoulders on Sheehy: Just installing paved shoulders will not correct the risks to local citizens who recreate by walking, riding bikes, or horses adjacent to the roadway. Installation of a designated recreation path that parallels the roadway should also be required. Only these provisions will allow the continued safe use of these long established forms of recreation in NE Nipomo. Improve existing conditions; do not take away the things that make our area a great place to live.

23. II-52, TR Impact 8 and TR/mm-9: Same comment as #22 but applied to North Dana Foothill Road.

24. II-52, TR Impact 9 and TR/mm-10: Same comment as #22 but applied to Upper Los Berros Road.

25. II-64, AES Impact 3 and AES/mm-7, deal with visibility of light sources and glow degrading nighttime view quality and adversely affect rural visual character: There are few places left where one can go to enjoy viewing the night sky without the distraction of human development; Los Berros Canyon is such a place. But it is doubtful the identified mitigation measures will retain that favorable condition and maintain the rural character of our neighborhood. Keep large housing developments near city and town centers.

26. II-68 & 69, REC Impact 1 and REC/mm-1, discusses increased demand for recreation opportunities: The mitigation measure that calls for a multi-use trail corridor easement along Los Berros Road is a great idea. But I disagree that with the finding that "trail construction is not required" – see comments 22 and 24 above. Even a 10-ft trail would provide the source of recreation area residents have enjoyed for many years. We need the trail NOW, not at some further distant time long after the project is fully developed. Actual implementation of this easement and trail should become an integral part of approving the development.

27. II-69, PSU Impact 1 and PSU/mm-1, discusses need for "security lighting in common areas:" See comment 25 above dealing with loss of darkness within the Los Berros area.

28. II-70, PSU Impact 2, deals with estimated 44 children that must be transported to various schools: Were these twice daily trips included in the traffic estimates for the corridor leading to the Sheehy and Thompson intersection?

29. II-70, PSU Impact 3, deals with 94 tons of solid waste per year: Again, was garbage truck and other service vehicle traffic included in the traffic estimates for the corridor leading to the Sheehy and Thompson intersection?

30. II-72, AES Impact 1, discusses inherent loss of rural character caused by changing from the existing working ranch into an architecturally designed recreation facility ranch headquarters. I disagree that this is only a Class III Impact. This loss of rural character

should be at least a Class II if not Class I impact. I am concerned about replacing the rural way for life with undesirable city attributes

31. II-76, Secondary Impact to REC/mm-1, deals with location of trail easement: See comment 26.

32. II-77, Secondary Impact to HM/mm-2, deals with Laetitia Drive and HW101: Note statement "--- the existing at-grade intersection at Laetitia Vineyard Drive and HW101 operates LOS (level of service) F, and has a documented history of traffic collisions." See comment 14 – an interchange is needed to solve that and other traffic problems associated with the project.

33. II-78, Section E, Summary of Alternatives, 3rd ¶, discussion on Alternative 1, the "No Project Alternative:" Note the statement "---but this alternative failed to meet the project's objective to create places to live." Well there it is, the objective is to create more homes; this is the true objective of the project, not the stated one of preserving agriculture. Also see comment that points out the clear conflict in the stated objective for the project.

34. II-78, 4th ¶, discusses the finding that Alternative 4, the "Redesigned Project: Single Cluster Alternative" is the "Environmental Superior Alternative." I agree with this finding and suggest that Alternative 4 should be pursued if the project is developed.

35. III-1, *Project Description*, 2nd ¶, last sentence: Indicates that only 660 acres of the 1,787 "open-space" areas would remain in agricultural production; what is proposed for the remaining 1,127 acres?

36. III-1, 3rd ¶, describes the three phases for project: What are the planned or estimated start and completion target dates (month & year) for each of the three phases? What is the estimated development timeframe for the "dude ranch"? If the development schedule is not yet established, what criteria will the County establish for obtaining these dates from the applicant? When will the anticipated/estimated development schedule be provided to the public?

37. III-2, *General Background*, Property Owner: Note listed as Laetitia Vineyard and Winery, Inc. Interesting that the true identity of the owner and his family are not revealed in spite of the stated objective to allow families to continue to farm these lands. Again, see comments 5 and 33.

38. III-3, *Project Objectives*, 2nd ¶, "--- to enable future generations of the landowner's families to continue to farm the project site ---." Why has the identity of the owner not been revealed to the public– especially if they plan to continue to live on and operate the developed property? The public knows who is behind the Santa Margarita Ranch development – why not Laetitia?

39. III-3, *Project Site History*: Fails to mention that the Campodonico Ranch was purchased to add to the Deutz property in the late 1990s. These had been long-standing separate properties. See page V-146 for correct info on Campodonico Ranch.

40. III-6, *Existing Permitted Uses and Permit Application History*, 1st ¶: Note mention of "11 wells" – a variety on the number of wells has been seen throughout the DEIR.

41. III-9, *Table III-1, Proposed Phasing Plan.* While general development phasing is indicated, there is no time or schedule for development. See comment 36.

42. III-10, *Open Space Lots*, discusses use of 4 open space lots (723, 477.89, 205.63, and 380.33) totaling 1786.85 acres: Mentions that the open space lots would go under Williamson Act contracts and County ag/open space easements. New proposed uses "would include re-located vineyards and orchards, an equestrian facility, and ranch headquarters, including a recreation facility, community center and homeowner's association facility." Except for the re-located vineyards and orchards, trying to identify the other facilities for support of the ag component seems flawed. Clearly development of these facilities is for the use and enjoyment of the families occupying the homes on the 1-acre house lots, not to support production ag activities. A glance at Figures III-5 through III-9 supports this point. Note tennis courts, pool, pool house, gym, HOA Rec Center, etc.) The "ranch headquarters" appears to have nothing related to production ag use and should be placed on the full-value property tax role and not protected under the Williamson Act– pay your fair share, others have to also!

43. III-25, next to last ¶, and III-29, last ¶, discusses mutual water company to provide wastewater treatment and disposal, and provide domestic water: The project applicant indicates that this water company is to be owned by the individual lot owners but operated by a licensed operator. The County should view this arrangement with some concern since the domestic water will be drawn basically from the same sources as the agricultural water. Further, based on recent problems between NCSD and the residents at Black Lake, mutual water companies owned by a HOA have potential severe problems. It would seem safer to insist on a mutual operating arrangement involving the operator of the farming operation and the HOA. The issues related to water resources will be discussed further under Section V-B DEIR pg V-33.

44. III-26, sub ¶ 4, dealing with liquid solids: Sewage sludge has become more difficult and expensive to dispose; as anyone on a septic system should know. It is reported in the Santa Maria Times that the City of Santa Maria facility will soon no longer accept these materials from outside the immediate northern Santa Barbara County area. What alternate sites, besides the 2 mentioned, are available to this new producer of sludge?

45. III-27, last ¶, last 2 sentences: Was the sewage sludge pumper truck one trip per week included in the traffic estimate? The flow of service vehicles is often under estimated with housing clusters in rural areas.

46. III-30, 1st ¶ on *Water Infrastructure*: Note discussion of 13 existing wells (versus 11 mentioned on pg III-6 (comment 40). Also note that only 11 wells are shown or Figure V.B-2 (pg V-37) where are the two wells identified as #3 & #6 on this figure and are they the active? Are they project or vineyard wells?

47. III-30, last ¶ on *Mutual Water Company*, applicants proposed priority (8) for mandatory water conservation measures: Note that the first 6 of the 8 have impact on residential and HOA facilities, the reduction or cessation of agricultural irrigation is last to be used. Interesting unless you are a resident and part owner of the HOA. Also implying (7) that water could be purchased from an off-site party seems unreasonable given the status of NCSD efforts to obtain supplemental water – there is none reasonably available. The DEIR should identify the source or delete the item as a mitigation factor.

48. III-48, *Homeowners and Ag Operator Communications*, lists functions of the HOA but does not mention Mutual Water Company: Why is this not included, it is probably the key element that must be integrated between the HOA and AO. Also last sentence mentions CC&Rs but does not discuss the usual and typical erosion of CC&R provisions and enforcement. Again, the County should not allow the owner and applicant to divorce themselves from the potential adverse impacts WHEN (not IF) the effectiveness of the CC&Rs diminishes over time.

49. V-33, *Water Resources*, 1st ¶: Note reference to a "number of recent groundwater studies and/or reports conducted in the area by private consultants ---." The vast majority of these consultant reports were produced by Cleath and Associates, and were paid for by the applicant. Further, note that the reports were "peer reviewed by the EIR consultant" also paid by the applicant (and neither the County nor I should be willing to agree this is true peer review unless they have documented and demonstrated valid (acknowledged) experience and expertise performing peer reviews of critical hydrology studies).

50. V-33, 1st ¶, mentions 4 individual and specific studies by Cleath (1st - 2004, 2nd - 2005, 3rd – 2005, 4th – 2005). Yet pg V-39, 1st & 3rd ¶s mention another untitled study completed in 2008. The details of this study needs to be added to the list on pg V-33.

51. V-33, 1st ¶: Clearly the work performed by Cleath and Associates for the applicant are vital components of this proposed development. Cleath and the applicant worked together on the Woodlands development in Nipomo. As mentioned previously, it is essential the County obtain either independent studies or at least professional peer review by an independent hydrology firm. The demise of San Luis Engineering as a business when oil sludge was found under new homes in Nipomo is a shining example of what happens when engineering studies are improper performed. It is understood that Cleath has had problems in the past. The County and affected neighbors can not afford to have anything less that the best technical data on water resources involved with this project. To do otherwise neglects the County's responsibilities for reviewing the project. Lack of sufficient water is a Single Point Of Failure; systems that provide public services and safety to the community must be designed to eliminate SPOFs. We deserve nothing less on this issue since water is the key to our continued existence in Nipomo.

52. V-33, 1st ¶, list of Cleath studies (4 but should be 5): Apparently these reports are on file with the County. Are electronic copies of these studies available to the public for use? Are hard copies available for loan? Trying to review the DEIR without the key source data is unsatisfactory. "Trust but verify" is an established public policy principle and should be applied on these critical issues. Better yet, would be true review of the situation by a team of independent experts approved by the County, not the applicant.

53. V-33, last ¶, *Water Supply and Infrastructure*: An independent verification is needed to confirm that the project is in fact located within the Ocean Hydrologic Sub-area. This may be controversial since lines on a surface map seldom truly represent the underlying geology and hydrology. For example water in lower Los Berros will clearly be influenced by this project.

54. V-33 & 34, *Water Supply & Infrastructure*, states that the project can be supported by on-site groundwater resources that are "independent of existing residential or ag operations." This conclusion is suspect since even the Cleath data indicates adverse impacts on Los Berros creek and downstream areas. Did the DEIR really mean "independent of existing residential or agricultural operations" on the Laetitia property? Our concerns are for others that may be impacted. Again, this statement and supporting data exemplifies the need for independent verification.

55, V-34, *Groundwater Rights*, References Summit Station FEIR, 2004) and basically says a property owner can pump groundwater <u>for domestic use</u> "as long as it does not have a significant affect on neighboring domestic wells of private property owners." A couple of thoughts on this: 1st - A FEIR is not law and its use in this instance could be challenged since the circumstances are vastly different. 2nd – It is not just the adjacent neighbors that may be impacted by the proposed water use but all of those in the surrounding area that rely on independent wells. 3rd – the Laetitia project included both agricultural and domestic use – which well is used for which purpose is a moot point, it is the total usage that will have the adverse off-property impact. All the water comes from the same groundwater basin.

56. V-34, *Geologic Conditions*, 1st ¶, 4th & 5th lines: indicates the 4 "new" wells are in "fractured beds of siliceous shales and chert." This is identical or very similar to the unreliable water bearing structures that have caused so many well failures throughout the east side of Nipomo. These wells may produce for a week, a month, a year – and then fail. This has been demonstrated many times in the Nipomo area. What makes Cleath believe these wells are different – they were each only pumped for a short period of time, and during winter at that. At least the pump tests should be repeated at the end of summer. This entire subject needs independent verification.

57. V-34, *Geologic Conditions*, 1st ¶, refers to Figure V.B.-1: Reference to this figure provides no information on where the various formations are located. Also note statement: "Each well taps into a separate aquifer." Where are the supporting data for

this assertion? In fact the aquifers may be linked and probably are not independent; this has been the case in Nipomo.

58. V-34, *Water Supply Conditions*, 3rd line, mentions "historic use of groundwater resources (vineyards)": Use of the phrase "historic use" seems inappropriate when that use started in 1982. Prior to that the "historic use" had been dry land farming and cattle grazing for over 150 years. Also note 168 AFY current usage.

59. V-36, *Domestic Water Supply Infrastructure*, 3rd ¶, mentions applicant intend to develop a mutual water company using a certified operator. The DEIR indicates that the mutual water company will be a responsibility of the HOA. The County needs to get involved with the agreements between the AO and HOA on this matter.

60. V-36 to V-39, *Well Pumping Tests*, 2nd ¶, mentions "three-day demand period" and "30-day source capabilities:" What is the basis for these calculations since pages V-38 & V-39 only discuss 41, 71, & 72 hour "constant discharge tests" for well 13, 12 & 11, and a 72-hour "various rate discharge test" for well 10. Also note that only well 11 was tested during the summer. Yet wells 13, 12, & 10 "indicate a slow recovery time." Also well 11 recovered to within 14 feet after dropping 37 feet – this too represents slow recovery. However, missing in the data is any information on the status of recovery at weekly periods until the wells fully recovered, if they did. And finally, one cycle of well testing is inadequate upon which to base long-term aquifer storage and annual yield. An independent audit would likely insist on additional testing for a project of this magnitude. "Trust but Verify." Also note two references to Cleath work in 2008 – interesting.

61. V-39, *Aquifer Storage and Annual Yield*, 7th line: "Groundwater recharge at the project wells occurs from stream flow in Los Berros Creek, ---." While clearly a true statement, it directly conflicts with earlier statements in the DEIR. The applicant can not have it both ways, and the truth needs to come out. The project will adversely impact the creek and downstream water users.

62. V-41, 1st ¶, "Prior to 1981, ---and the flow (in Los Berros Creek) was perennial." You bet it was and I fished the creek as a youth. Interesting that Laetitia vineyard plantings were established at about that same time.

63. V-41, 3rd ¶, 4th line, discusses "the amount of annual recharge occurring during the drought periods." Please provide the basis, method and data used to establish this "annual recharge" amount. Having valid estimates of recharge potential is a key parameter. While Table V.B.-1 provides estimates of storage, recharge and estimated annual yield, the supporting methodology and data is not provided. "Trust but verify."

64. V-46, *Local Policies and Regulations*, indicates that "---the County determines a project's water demand and the availability of water for allocation to the project." This clearly makes the case for an independent assessment of key info provided by a contractor (Cleath) to the applicant. It is the final responsibility of the County to establish the viability of the project and assess the consequences of the adverse impacts.

It is extremely difficult to mitigate running out of water – other sources are virtually non-existent.

65. V-50, 1st ¶, states that "The County typically utilizes a figure of 1.26 AFY of water consumption for primary residences as a guideline to estimate water demand from residential uses on one acre lots." For 102 homes, that equates to 128.52 AFY. And that does not include water usage for the equestrian facility, "ranch headquarters," recreation facility, community center, HOA facility with pool, entrance gate, common area landscaping, etc. etc. Yet Table V.B.-1, *Aquifer Storage and Yield*, indicates an estimated annual yield (AFY) on only 197AFY using suspect and unverified data. Considering the problems with the data, the unaccounted for uses and consequences of a fatal error; an estimated margin of 68 AFY seems inadequate. Clearly, as had repeatedly pointed out, an independent assessment is essential to protect the County's and general community's interests.

66. V-56, 4th ¶, 3rd line, states that "The water demand for the project is anticipated to be 143 AFY." That brings the margin discussed in comment 65 of 68 AFY down to 54 AFY. The other portions of comment 65 apply here as well.

67. V-62, *Water Quality*, 2nd ¶, 5th & 6th lines, states "Los Berros Creek has been designated as having multiple beneficial uses in the RWQCB's Central Coast Basin Plan." Since the DEIR documents (Pg V-56 & 57) the adverse impact to and earlier "drying up" of the creek due to project pumping, will the applicant or County need to obtain RWQCB concurrence on the project? Same for WAT Impact 8 on page V-63.

68. V-63, *Water Supply*, 3rd line, states "wells proposed for use tap into individual aquifers." Again what is the basis for this unsubstantiated opinion? Historically this has not been the case in other areas with wells into fractured shale.

69. V-123, *Paleontological Resources*: Interesting information but no comment.

70. V-145, *Historic Resources*. Interesting; but no comment other than support for saving Campy's ranch complex.

71. V- 199, discussion of traffic alternatives: Why was there no mention in Section H, *Transportation and Circulation*, of the very desirable attributes of the Alternative Access Option 1, Extension of Cimmaron Way, page VI-30? Implementation of this alternative would negate all the negative features of the proposed route and appears to have minimal environment consequences. Data should be provided to the County that allows a valid tradeoff assessment of the Cimmaron Way option.

72. V-159, *Agricultural Resources*, ¶b, *Local Setting*, last sentence: DEIR states that "The project site is located within the Upper Los Berros Canyon, which supports a variety of agricultural uses including vineyards, orchards, and livestock grazing." I believe this is incorrect and misleading. The historical use of the Campodonico ranch was dryland farming and cattle grazing. A small avocado orchard (Del Sights) has been

located adjacent to the northern boundary of the ranch since the late 1950s. The remainder of Los Berros Canyon was use for grazing with some dryland farming where terrain permitted. In fact, the Deutz planting of grapes in the early 1980s was the first commercial vineyard anywhere in the area. I suggest that the statement needs to be reworded to downplay support of orchards and vineyards, and instead reflect the predominant uses of the general area, i.e., dryland farming and cattle grazing.

73. V-160, 1st ¶, 3rd line, states "An additional 694 acres (non-contiguous) is undeveloped and is used for livestock grazing." I believe the phrase "non-contiguous" is misleading and requires clarification. If the grazing land is not contiguous, where is it? About all that separates the grapes from the pasture are barbed wire fences. Please clarify.

74. V-160, 1st ¶, 5th line, states "---seven well for agricultural and winery use,---::" This is inconsistent with Figure V.B.-2, pg V-37, that only shows 5 "vineyard wells" - wells #1, 2, 4, 5, & 7 (what happened to #3 & #6?). Please clarify actual number and location vineyard wells, and status of wells #3 and #6.

75. V-160. 1st ¶, last line: Please provide the date that any of the parcels were removed from the Agricultural Preserve or Williamson Act Contracts, if any were afforded these protections or status.

76. V-160, last ¶, 1st line: indicates 13 existing wells but Figure V.B.-2 only shows 11, Again, the DEIR is inconsistent . Please clarify the correct number of wells.

77. V-161, 1st ¶, last sentence: states "Yield from agricultural wells range from 260 to 500 gpm." Detailed data for each well (whatever the actual number of wells) should be included in this DEIR to substantiate this key statement. It is curious that the others "project" wells do not have equivalent production rates.

78. V-168, 1st ¶, 1st line, states: "none of the site's parcels are currently located within an agricultural preserve and none are under land conservation contracts." Note use of "currently." Comment 75 applies – what is the history of the parcel's agricultural preserve or land conservation contracts, if previously protected when were they removed?

79. V-168, 2nd ¶, indicates that 4 lots totaling 1787.34 acres of the 1910 acres under Williamson Act contracts. See next comment.

80, V- 168, last ¶, 2nd, 3rd & 4th lines: DEIR indicates lots containing the equestrian facility and ranch headquarters including a recreation facility, community center, HOA facility, and eventually the dude ranch are on the open space/agricultural lots. These facilities (and others) are for the express use of future residents and guests, and have absolutely nothing to do with or contribute to production agriculture. These facilities are inconsistent with the intent of the laws to protect and support agricultural. Putting these facilities under Williams Act and/or LOU protection just to save property taxes is misleading and requires careful review by the appropriate agencies before approval.

81. V-180, *Water Usage*: This controversial topic has been discussed elsewhere and I have numerous specific comments. However, the need for an independent assessment is critical which justifies being mentioned here again. "Trust but Verify."

82. V-183, AG Impact 4. Please take note of this "significant and unavoidable Class 1" impact.

83. V-186, *Transportation & Circulation,* ¶b. *Pedestrian & Bicycle Facilities*, 8th line: states "There are no existing bicycle facilities in the study area." Also note: "Bike routes are generally located on low traffic volume streets that provide alternative routes for recreational, and in some cases, commuter and school-age cyclists. These facilities are designated Class III and are signed for bike use, but do not necessarily have any separated bike right-of-way or lane stripping." The fact is many residents and visitors use Sheehy and North Dana Foothill for riding horses, biking, and exercise walking – and have for several generations. The fact that the County has not kept up with signage has not stopped us from using the benefits of the rural nature of our area. Roadways in many other agricultural area of the County are used in the same manner. We do not want to lose these desirable activities in our area due to significantly increased traffic from this development.

84. V-187, last ¶, 5th & 6th lines: Note that traffic counts were conducted in January 2006. The data sheets indicate data was collected on the 2nd and 3rd of January. The dead of winter is the worst time to complete traffic surveys. For example, most Laetitia workers routinely use the Sheehy/Thompson intersection but the workforce is at a minimum in January. Even worse, the local schools were not in session. The traffic on Thompson associated with Nipomo High School is horrendous around the start of school and for most of the afternoon. And even worse than that, the traffic data does not account for the eventual traffic on Thompson from the Willow Road extension (no northbound on or off ramps planned; funneling traffic onto Thompson). And finally, the 12th line, states that traffic count data is provided in Appendix E. Wrong, data is in Appendix D. If these observations are correct, the traffic count data is either not trustworthy or totally incorrect. In either case, the data collection and adjustments must be redone.

85. V-193, table V.H.-3, *Existing Intersection Levels of Service*: Data in this table is suspect for Thompson in general and for Sheehy/Thompson. "Trust but Verify."

86. V-109, 2nd ¶ & 110, Table V.H.-9. Information is noted but does it include typical service vehicles – resident traffic to service the housing and "ranch headquarters" needs (UPS, home cleaning & maintenance, sheriff patrols, deliveries etc.)? In a large developed area as remote as Laetitia, this supporting traffic could be significant.

87. V-204, Table V.H.-10, *Existing and Existing with Project Intersections LOS*: Again, this table and related text is suspect if the basic traffic count and other factors are invalid.

88. V-201, Figure V.H.-4: Figure reflects 5% will proceed south of Thompson. I live there, your indicated sources do not. I believe that estimate is much too low; perhaps 15

or 20% would be more reasonable. Further, the figure shows that 60% of the traffic proceeds north and 40% heads south. I'd bet the truth is more like the reverse - 60% south and 40% north. Many current residents of the area work in the Santa Maria area. Also, why does this info not match the actual traffic count data sheets?

89. V-206, ¶(d) *Sheehy/ North Thompson Road*: Establishing a left turn on southbound Thompson does not help those trying to make either left or right turns from Sheehy onto Thompson. Even with current traffic (without Laetitia and Willow Road impacts) this is a dangerous intersection.

90. V-211, ¶d,. *Bicycle Impacts*, 2md ¶, indicates the County Parks and Recreation Element shows existing and proposed parks and trail facilities in areas throughout the County.--Multi-use trails are proposed along North Thompson Road, Sheehy Road, North Dana Foothill Road, and along the Los Berros Creek ---." See comment 84. We need to maintain the current and future recreational usage in the unpaved areas of these roadways.

91. V-219, 1st ¶, last line: Indicates a total growth estimate for the next 20 years of 74% over current levels. Clearly resources can not support this continued growth, especially in the rural areas. Availability of water will become the limiting factor, we are reaching critical capacity now. If this estimate is near correct, the last 73 years will have been much better that the next 73. Good luck to all.

92. V-427, ¶P.1.a. *Population and Housing*, 2nd ¶, "This dramatic growth within the South County Planning Area is placing strains on infrastructure, including road capabilities, schools, and water availability." Also, 4th ¶, last line: "---growth has not been evenly distributed throughout the County, and certain communities have provided a disproportionate share of dwelling unit increase (e.g., Nipomo). Seems to me that as these two statements are in direct conflict the underlying project objective of building houses on Laetitia. Just adds justification to down-sizing or disapproving the project.

93. V-429, 4th ¶, indicates that the 254 expected population of the project will at 17.4% of the population projected for the South County planning area from 2010 to 2020. I suggest we do not need this population growth in an isolated rural area. Growth can best be accommodated within or near existing city and town boundaries.

94. VI-1, ¶A, last 2 lines, pg VI-5 & 6, & pg VI-7, ¶3: The number and identification of the alternatives do not match on these 3 lists. The DEIR should be consistent throughout Section VI *Alternatives Analysis*.

95. VI-19, *Reduced Project – Single Cluster Alternative*: In my view, this alternative is second only to the *No Project Alternative* and is preferable to the proposed multi-cluster alternative. However given that a project will occur, an even better solution is the combination of the *Single Cluster Alternative* with the *Reduced Project – Ordinance and General Plan Consistency Alternative* (pg VI-8). This combination would follow all the criteria of the latter alternative but would grant only a single cluster rather that the several

as proposed. The desirable features of this approach would be that it adheres to the current policy guidance and General Plan, reduces the scope and density of the project, and minimizes environmental impacts via the single cluster concept. The two methods to handle the Rural Land issue will be left for the policy makers to decide.

96. VI-30, ¶8, *Alternate Access*: Option 1 (extend Cimmaron Way)is an extremely attractive alternative to the proposed access approach. This approach avoids the kludge that would result from using the proposed traffic route that is objectionable to all current residents of the area who have reviewed the approach. If the applicant really wants the project, let them undertake the process described for the Cimmaron Way extension in the 2nd and 3rd paragraphs. Should be much less costly that an overcrossing at Laetitia Drive and Highway 101. It is clearly preferable to those of us impacted by the current undesirable routing. It is interesting that the DEIR makes no mention of the possible use of the existing HW101 intersection into Laetitia property approximately 0.5 miles to the south of the Laetitia Drive intersection. This intersection services traffic on the Laetitia easement to the Tremper ranch property that is surrounded three sides by project land.

97. Appendix D, Traffic Counts worksheets site code 00000002, 2PMFINAL, 1/3/06, 2AMFINAL, 1/4/06; and site code 01 1PMFINAL; 1/3/06, 1AMFINAL, 1/4/06 all dealing with several intersections including Thompson and Sheehy. Also *Existing Level of Service Calculation Worksheets,* Thompson and Sheehy, Existing AM, page 4, and Existing PM, page 4 (2nd page 4?). Also *Detailed Trip Generation Table, Table* 1, *Existing With Project Level of Service (LOS) Calculations Worksheets,* Existing + Project AM, 2/2/06; *Cumulative LOS Calculation Worksheets*, Thompson and Sheehy, Cumulative AM and Cumulative PM, ,2/1/06; *Cumulative with Project LOS Calculation Worksheet*s, Thompson & Sheehy, Cumulative + Project AM and Cumulative + Project PM, 2/1/06.
This long list of worksheets may be impacted by previous comments regarding (1) counts low due to being taken in winter, (2) does not include Nipomo High School traffic, and (3) does not include anticipated traffic due to Willow Road (without on/off northbound ramps) extension to Thompson. Until these issues are addressed, the entire traffic and circulation findings very suspect; not a solid basis for decisions. "Trust but Verify."

98. The eventual development of the 75-unit dude ranch is mentioned several times throughout the DEIR. Does the applicant propose that this DEIR includes the environmental impacts for the dude ranch or will subsequent DEIR or FEIR amendment of supplement address the dude ranch impacts? Clearly significant adverse impacts can be expected to result from this additional development, especially for water usage and increased traffic leading to the Sheehy/Thompson intersection. If the dude ranch included in this DEIR, several sections of the document may need to be modified to include the detailed assessments of these additional impacts.

ENCLOSURE 2

R. Toomey Letter, June 8, 2012, and attached comments

June 8, 2012

Mr. Brian Pedrotti
County of San Luis Obispo
Department of Planning and Building
976 Osos Street, Room 200
San Luis Obispo, CA 93408-2040

RE: Revised Draft EIR for Laetitia Agricultural Cluster Subdivision

Dear Mr. Pedrotti:

I submitted comments to you on 6 November 2008 on the original Draft EIR. The majority of these comments, even those concerning Water Resources, remain valid for the re-circulated or Revised DEIR. While a new section V.8 Water Resources was included in the Revised DEIR, my initial comments of a general or historical nature on that subject are still valid and will not be resubmitted. The county should consider these initial comments along with additional comments on the Revised DEIR that are enclosed as attachments to this letter.

The first three paragraph of my 8 November 2008 letter provide information on my family history and why I am concerned with the proposed project. I will add that I have an Engineering BS from Cal Poly, a Systems Management MS from USC, and was a California Registered Engineer (inactive). I retired in 1993 from Air Force civil service at Vandenberg AFB as a senior General Manager and Aerospace Engineer with 33 years experience in engineering, flight safety and range operations. From 1995 until mid-2010, I operated an aerospace consulting business, Pioneer Consulting, in support of several aerospace contractors. All this is said to set the stage for comments on the Revised DEIR – I am very familiar with the expectations of information to be found in various technical engineering reports and studies. While aerospace is not hydrogeology, many of the attributes of quantitative analysis remain very similar. GEGO = no amount of generalization can be substituted for detailed quantitative analysis leading to results that are prove to a high degree of certainty. The absolute nature of the "conclusion" that water is and will continue to be available for the project is fatally flawed.

Attachment 1 to this letter, *Representative Statements Using **"LIKELY"***, summarizes examples of the extensive use of a qualitative term that would not be generally acceptable in the aerospace business. We would expect some quantification or probability assessment for each unknown – is it 51/49 or 90/10? Senior decision makers need more that a warm fuzzy opinion upon which to base decisions of major significance, such as will water be available to support the project. With rare exceptions, the Water Resources Section and Appendices B1 and B2 only provide generalities without quantification of the uncertainty or risk. With missile and rocket launches, we assess Probability of Impact (P_I) and Casualty Expectation (E_C) to acceptability levels at $30X10^{-6}$ for each launch. Decisions based on "*likely*" are unacceptable in aerospace and should be unacceptable in

land development relative to long-term water availability. Please note that items of major concern on Attachment 1 are flagged with a double asterisk (**).

Regarding the issue of traffic on the Thompson/Sheehy/Dana Foothill/Upper Los Berros corridor, I still believe that the increased traffic induced by this project would be unacceptable without major improvements to each of the roadways. As discussed before, the traffic studies were initially flawed and are now more than seven years old – totally inadequate upon which to base final decisions. I have included additional concerns on this issue in the discussion on Alternatives Analysis. But as I will again mention in attached Specific Comment number 21, the really optimum solution to all the Transportation and Circulation problems is an improved interchange at HW101 and Laetitia Drive. If the project is worth doing, do it right or not at all.

My last major issue is still the leapfrog development and growth inducing nature of this project. This approach to development appears at odds with the "Smart Growth" concepts that now seem to be favored by county government. Which is it to be – leapfrog with ag clusters or smart growth concepts? The apparent policy conflict must be resolved. As it relates to this project, I vote for smart growth with protection of our rural area and way of life.

Raymond M. Toomey
1150 North Thompson Avenue
Nipomo, CA 93444

Attachments:

1. Representative Statements Using "***LIKELY***"
2. Specific Comment

cc: Supervisor Paul Teixeira, South County Advisory Committee

Attachment 1
Representative Statements Using "LIKELY"

3 – V.B. Water Resources & V.C. Biological Resources

V-51 "---pumping from Well 11 *likely* influences the flow of Los Berros (LB) Creek."
V-52 "---show rapid recharge *likely* due to good hydraulic connection---Creek"
V-66 "Climate change---*likely* result in more runoff---less recharge to groundwater." **
V-66 "---flow---will *likely* decrease during summer and drought conditions."
V-66 "---Well 11---would *likely* substantially reduce base flow in LB Creek channel."

B1 – Laetitia Groundwater Report – Geosyntec (Oct 2011)

ES-2 "---rapid recharge *likely* due to good hydraulic connection---aquifer---LB Creek."
ES-2 "Since pumping of Well 11 *likely* reduces flow in LB Creek,---."
10 - "---pumping from Well 11 *likely* influences flow of LB Creek."
11 - "If the trend continues, in a few years the water levels would be significantly below the top of the well screens and production rates from the wells would *likely* drop off considerably." **
12 - "---the time frame for replenishment of groundwater flowing within---aquifers is expected to be much longer, *likely* years, decades, or more." **
15 - "---Well 11 is dependent on---LB Creek and will *likely* decrease during summer and drought conditions."
15 - "---pumping Well 11---would *likely* substantially reduce flow in LB Creek."
15 - "---higher pumping rate than that used for Phase 3 testing can *likely* be sustained the rest of the year (Dec through July) with insignificant impact to LB Creek." **
16 - "Although equilibrium conditions were not attained during the Phase 3 pumping rate, based on---Well 15, pumping rate can *likely* be sustained for a few years before the water level would drop below the top of the screen." **
18 - Footnote 15 – contains an assumption, 2 uses of *likely* and an "if" leading to the statement "---the actual bulk hydraulic conductivities would be lower that calculated." **
22 - "---*likely* result in more runoff, perhaps less recharge to groundwater, ---." **
22 - "Based on---Phase 3 pumping, if the linear trend in decreasing groundwater elevations continues at the rates observed---, the water levels in the wells will *likely* drop below the top of the well screens—within months in Wells 10 & 14, and within a few years in Well 15." **
22 - "---Well 11 shows rapid recharge *likely* due to good hydraulic connection---aquifer and flow in LB Creek."
22 - "Because pumping of Well 11 *likely* reduces flow in LB Creek, curtailment ---."

Notes:

1. Numbers refer to document page numbers
2. ** Indicates items of most concern relative to long term water sustainability
3. Statements containing use of *likely* should have probabilistic quantification

RMT-6/4/2012

Attachment 2 - SPECIFIC COMMENTS
Revised Draft EIR Laetitia Ag Cluster Subdivision

2-1. Introduction

1. Pg I-1, 4th unnumbered ¶: Mentions drilling of 2 new wells – why mentioned since these 2 wells will be used only for ag purposes? No data is available on these 2 "yet to be drilled" wells and they are not included in Section 3-V.B. Water Resources.

2. Pg I-3, last sentence, 1st ¶: outlines purpose of 8 specific "bulleted" references. Is it correct that only the last 2 items by Geosytec represent independent peer review?

3-V.B. Water Resources

1. Pg V-35, 1) Rainfall, last sentence: First of only limited mentioning that the rainfall between July 2009 and March 2011 was 138% of average. This amount of rainfall is not typical but highly unusual in recent years. It seems reasonable to have continuously mentioned this. In fact, other water production data should have been normalized or otherwise adjusted throughout the Revised DEIR to reflect this uncommon occurrence.

2. Pg V-36, 1) Hydrogeology: Several paragraphs discuss the problems of estimating water capabilities of fractured and sheared Monterey and Obispo Formations. However, missing here or elsewhere in the document is any detailed discussion and quantification of the long-term impact of over draft from these formations, along with the period and extent of recovery from over production of water – these data need to be included.

3. Pg V-45, 2nd unnumbered ¶, "Average annual production from the onsite irrigation wells was 161afy between 1999 and 2003." While interesting, so what? Suggest that other 4 or 5 year periods over the past 20 or 30 years would be more representative of water production during drought conditions. Many of my neighbors in the Nipomo foothill have had and continue to have well failures during more "severe" drought periods. New wells have been drilled to deeper depths with some success but the supply of water in the entire south county area is suspect at best and perhaps destined for more failed wells. The county can not simply approve more wells as the solution – the water glass can only support a finite number of straws and from all indications we are at or approaching that limit. Without water, you have little of value, including property taxes.

4. Pg V-46, last ¶, "Approximately 32% of ag water use results in groundwater recharge." Please include a reference source for this information – no source was found. Ditto "approximately 66 afy would return to the aquifer as groundwater recharge."

5. Pg V-49, 4) Groundwater Rights: States "---owner is entitled to all the water the owner can pump and beneficially use on his property until it adversely affects another neighboring property owner's ability to adequately produce water for use on their property." The last sentence appears in conflict by only mentioning domestic not ag use. The combined domestic and ag usage water rights must be considered for both parties.

6. Pg V-50, (b) Well Pumping tests 2009 –2010: The county needs to audit and re-verify that the analysis that indicates the elimination of the equestrian facility and incorporation of water conservations measures will indeed save more that 2/3 of the original water estimates for the project. The potential savings of 96.7 afy (60 gpm) seems extremely inflated and optimistic. And the accuracy of these estimates is one of the key factors in the "do-ability" of the project.
Similarly the county needs to audit and validate the analysis that led to the estimated project water demand of 46.3 afy (29 gpm) – sure seems low for over 100 homes and a substantial vineyard operation.

7. Pg V-50 & V-53, Tables V.B-2 & V.b-3: The data on these 2 tables needs to be reconciled and consistent. The 191% of Project Demand value on the 2 tables seems based on differing supporting data.

8. Pg V-54, (d) Aquifer Properties: Four paragraphs of info extracted from Appendix B (Geosyntec) provide a brief overview of transmissivity of groundwater in fractured formations. Several key points are made to include:

(1) "Initial yield from wells in fractured aquifers is often not representative of longer-term yields, which are typical lower.

(2) As groundwater is released from storage in fractures, ---, which causes the well yield to decline.

(3) For a system of linear fractures tapped by a well ---, so the rate of drawdown with pumping will be faster than for radial systems."

While again, the effect of these generalities and cautions are not quantified or numerically factored into the well production data or estimated yields, they should alert the regulators to the vast uncertainty in this entire area of hydrogeology – no one can assure the county with any degree of certainty that water is and will continue to be available to support the project! You pay your money and take your chances – nothing is certain except death and taxes. The Revised DEIR should indicate some degree of uncertainty rather than make absolute statements that water will be available.
I believe the county needs some professional quantified estimates of the ramifications and impacts of these and similar areas of uncertainty – to do less shirks their responsibility to the neighbors of the project and citizens of county.

9. Pg V-61, a. CEQA Guidelines, 2nd unnumbered ¶: Regulators should adhere to these statements, especially with the documented uncertainties on water availability. The conclusion contained in the last sentence is particularly significant.

10. Pg V-62, a. Water Supply and Infrastructure, 2nd unnumbered ¶: Only discussion of "water duty factor." Note that this "factor" was apparently derived mainly by Cleath & Associates for this project and the Woodlands EIR. This "duty factor" is also used in Table V.B.-5. Estimated Project Water Demand, on page V-64. No other mention or explanation on the basis and use of this factor was contained in this section or either Appendix B1 or B1 (Geosyntec). The county should insure that the rationale and use of these water duty factors are appropriate for and included in this DEIR. We do not need another water situation such as exists on the Nipomo Mesa and the Woodlands.

11. Pg V-65, 4th unnumbered ¶, "In summary:" Note the statements are presented as absolutes without apparent regard for the many aforementioned concerns and problems. For example, "the capacity of wells is more than adequate to sustain a continuous flow of 46 gpm for one month." Also note that "estimates of viable long-term groundwater production rates" came from 18 months of periodic testing during a period with 138% of average rainfall. Yet no adjustments to data were made for this non-typical rainfall. And drought periods in the south county are often years in duration. Check PG&E weather records.

Also note "---long-term yields of water wells producing from bedrock aquifers---, commonly are substantially less than short-term yields." With these considerations and concerns, the inappropriate use of absolute statements on long-term water availability should be qualified and expanded to include worse case situations. No one has or can guarantee long-term water for the project, and therefore, absolute statements about water availability are incorrect or misleading, and should be tempered with reality.

12. Pg V-65, last unnumbered ¶, "on-site water company:" Please refer to my November 2008 comments, especially numbers 47 & 48 included in the 15 pages of comments. The owner of the vineyard must be a responsible participant in the on-site water company.

13. Pg V-66, 1st ¶: Again, given the absolute nature of the repeated statement that "the proposed water source is adequate to serve the project ---" my comment 11 above applies here as well. These conclusions cannot be justified given the issues.

14. Pg V-66, (f) Effects on Groundwater, 1st ¶: Note that during testing that "---stable equilibrium groundwater conditions were not attained, and continued decline---." Given this unstable condition, absolute statements of water sustainability cannot be justified!

15. Pg V-66, (f) Effects on Groundwater. 2nd ¶: Note "---unknown time to possibly achieve equilibrium pumping conditions underscores that time frame is an important issue with respect to long-tern viability of the wells to meet the proposed project demands." Finally a significant acknowledgement that water availability is suspect and obviously not an absolute as the casual reader is lead to believe. Even the much used elsewhere term "*likely*" is not included but at least should be used in this summary paragraph.

Again, this entire section needs to be rejected until it is revised to provide a quantitative assessment of long-term water support and state the consequences of further decline in water. The 8 specified measures listed at the bottom of page V-65 will do little to support the project during a years long "severe" drought common to the area. There is no new water in the south county area until desalination becomes a cost effect reality.

16. Pg V-72, *Residual Impact*, last sentence in 1st¶: Note the statement "---support a conclusion the proposed water source is sustainable, and would not have a significant adverse effect on water resources and ag production (both on and offsite)." How can the

county support such a conclusion with the flaws, concerns and issues included in this section of the DEIR (as well as Appendix B1 & B2)? With the problems already noted, the mitigations may better manage the available water, but there is only a finite and suspect amount available. And without water, the project will be another major problem.

4-VI. Alternatives Analysis - RDEIR

17. Pg VI-2, last ¶, & Pg VI-3, TABLE VI-1, **TRANSPORTATION AND CIRCULATION**, Class I Impacts (TR Impacts 3, 9. 12 & 14): Page VI-2 indicates that there will be "significant and unavoidable transportation and circulation---unavoidable impacts that cannot be mitigated to less than significant (Class I)." However, TR Class I Impacts 3, 9, 12 and 14 described in Table VI-1are only concerned with the HW101/ Los Berros Road/Thompson Road (Avenue) ramp junctions and emergency vehicle access at Laetitia Drive. Clearly the increased traffic flow (1200+ vehicle trips per day) on the Thompson Avenue, Sheehy Road, Dana Foothill, and upper Los Berros Road corridor should be elevated to a Class 1 impact. I believe this is justified by the next to last paragraph of my 6 Nov 2008 letter *RE: Draft EIR, Laetitia Agricultural Cluster Subdivision Project*. Additional and perhaps more significant justification is included in comments my 6, 21, 22, 23, and 24 that still apply. How these could be ignored and not justify a Class 1 impact determination by the county is unclear and warrants further consideration. This is especially the case when the following comments are included in the evaluation (**Note**: including TR Impacts in the discussion of Alternatives Analysis provides my basis for providing these additional comments on Traffic and Circulation.

18. Pg VI-20 Alternative 3, Reduced Project A – Ordnance & General Plan Consistency" The following was extracted from *i. Transportation and Circulation*

"Implementation of this alternative would reduce the number of traffic trips by approximately 15 to 60 percent. This would reduce, but not avoid, potential impacts to local roadways. Offsite road improvements may be necessary based on further quantitative analysis. Based on the current trip generation counts on Los Berros Road, and anticipated average daily trips generated by this alternative, road improvements including widening and the creation of shoulders would be necessary."

These statements are the first discussion in the Revised DEIR dealing with off-site roads. This seems like a problem that needs to be included in the basic document for CEQA analysis. This discussion also generate the following questions and concerns:

a. The need for widening and creation of shoulders would also be necessary on Dana Foothill and Sheehy. Also what about the narrow hairpin S-curve on the hill just before Dana Foothill becomes Los Berros Road – these narrow blind curves are already too risky and must be "fixed" to accommodate the increased traffic.

b. Please expand on "based on further quantitative analysis." What is this process?

c. When, by whom, public review process, approval and funding processes? The applicant, not locals or taxpayers in general should pay for all the needed improvements.

d. Leap frog development such as included in this project made a bad south county traffic situation worse, even intolerable.

19. VI-22 & 29, Alternatives 4 & 5: Except for the percentage reduction in traffic, these alternatives contain the same statements. The discussions under comment 18 above apply to each.

20. VI-34, Alternative 6: This alternative has the following statement included in the Transportation and Circulation discussion: "Further quantitative analysis would be required to determine the extent of warranted road improvements." Again, comment 18 applies.

21. VI-35. Alternative 8: Has following statement – "Further quantitative analysis would be required to determine applicable mitigation measures, including implementation of off-site road improvements." Again, comment 18 applies.

The **bottom line** to the preceding series of comments is that the current roadway corridor is incapable of absorbing the increased traffic caused by the project. And the situation cannot easily be corrected by Band-Aids fixes. My comment 14 included in the 6 Nov 2008 response to the initial DEIR suggested that a new interchange at the Laetitia Drive and HW101 intersection is the best and only long-term solution to many if not all of the Transportation and Circulation issues that haunt the project. Granted that would be expensive but it is still the best and most effective solution – perhaps cheaper that many long years of applying traffic Band-Aids to an inadequate solution to the problems. It at least it warrants serious consideration and analysis.

22. VI-46 & 47, Table VI-2: Given the opportunity to express my opinion and the applicant corrects the current issues eventually leading to a project, I favor the reduced density, more grouped lot alternatives such as Alternative 4, 5 and 6. But the No Project Alternative is still the best for the South County and our current way of life.

23. Finally, I question that the proposed "Ranch Headquarters" really qualifies as an ag related enterprise – it is really more of a recreation center for the owners of the 102 homes that result from the project. Request that the county review these facilities for their true relationship to the vineyard and other ag activities.

RMT -6/6/2012